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WHEN: Tuesday, November 19, 2013
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 733

RIN 3206–AM80

Political Activity—Federal Employees Residing in Designated Localities

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: OPM is amending its regulations to grant Federal employees residing in the District of Columbia a partial exemption from the political activity restrictions, and to add the District of Columbia to its regulatory list of designated localities in OPM regulations. This regulatory amendment reflects OPM's determination that the District of Columbia meets the criteria in the Hatch Act, as amended by the Hatch Act Modernization Act of 2012, for a partial exemption to issue.

DATES: This rule is effective December 9, 2013.

FOR FURTHER INFORMATION CONTACT: Jo-Ann Chabot, Office of the General Counsel, United States Office of Personnel Management, (202) 606–1700.

SUPPLEMENTARY INFORMATION: The Hatch Act, at 5 U.S.C. 7323(a)(2) and (3), prohibits Federal employees from becoming candidates for partisan political office and from soliciting, accepting, or receiving political contributions. However, 5 U.S.C. 7325, as amended, authorizes OPM to prescribe regulations permitting employees in certain communities to participate in local elections for partisan political office without regard to the prohibitions in 5 U.S.C. 7323(a)(2) and (3) only if the requirements described in section 7325 are met. The first requirement is that: (1) The community must be the District of Columbia; or, (2) the community or political subdivision must be located in Maryland or Virginia, and in the immediate vicinity of the District of Columbia; or, (3) the majority of the community's registered voters must be employed by the United States Government. The second requirement is that OPM must determine that it is in the domestic interest of the employees to permit that political participation because of special or unusual circumstances existing in the community or political subdivision. Under 5 CFR part 733, the exemption from the prohibitions in 5 U.S.C. 7323(a)(2) and (3) is a partial exemption because in 5 CFR 733.103 through 733.106, OPM has established limitations on political participation by most Federal employees residing in these designated municipalities and subdivisions.

On April 5, 2013, OPM issued a proposed rule at 78 FR 20497 to add the District of Columbia to the regulatory list of designated localities at 5 CFR 733.107(c). In its notice of proposed rulemaking, OPM noted that the District of Columbia had fulfilled the statutory requirements for a partial exemption to issue and proposed the addition of the District of Columbia to the regulatory list of designated localities.

OPM received one comment from a labor organization supporting the proposal to include the District of Columbia in the OPM regulatory list of designated localities and encouraging OPM adopt the proposed amendment as a final rule. The comment noted that a large share of District of Columbia residents were Federal employees who otherwise would be prohibited from running for major local offices in the District of Columbia because these elections are partisan, and from partaking in many political activities associated with participation in partisan election campaigns. The comment noted that this limited the pool of candidates for election to local District offices, and denied federally employed District residents the opportunity to participate in some of the most vital aspects of self-governance and the democratic process. In addition, the comment noted that, because the proposed amendment would dramatically broaden the pool of eligible candidates for District of Columbia office and offer many District residents the opportunity to more fully participate in the local political process, local governance, and the civic life of their community, special or unusual circumstances indeed existed so that the proposed amendment was in the domestic interest of Federal employees residing in the District of Columbia. Consequently, comment urged OPM to adopt the regulatory proposal as a final rule.

Therefore, OPM is adding the District of Columbia to its list of designated localities at 5 CFR 733.107(c). When this rule becomes effective, federally employed residents of the District of Columbia will be permitted under 5 CFR 733.103 to participate in the following activities: (1) Run as an independent candidate in a local election to partisan political office; (2) solicit, accept, or receive political contributions as, or on behalf of, an independent candidate for partisan political office in a local election; (3) accept or receive political contributions on behalf of an individual who is a candidate for local partisan political office and who represents a political party; (4) solicit, accept, or receive uncompensated volunteer services as an independent candidate, or on behalf of an independent candidate, for local partisan political office; and (5) solicit, accept, or receive uncompensated volunteer services on behalf of an individual who is a candidate for local partisan political office and who represents a political party.

Under 5 CFR 733.104 of title 5, however, federally employed residents of the District of Columbia may not: (1) Run as the representative of a political party for local partisan political office; (2) solicit political contributions on behalf of individuals who are candidates for local partisan political office and who represent a political party; (3) knowingly solicit a political contribution from any Federal employee, except when permitted; (4) accept or receive political contributions from a subordinate; (5) solicit, accept, or receive uncompensated volunteer services from a subordinate for any political purpose. Employees also may not participate in political activities when on duty, or while they are wearing items that identify their employing agency or their position. They cannot participate in political activities while they are in any room or building in the discharge of official duties by an individual employed or holding office in the Government of the United States

or any agency or instrumentality thereof; nor while using a Government-owned or lease vehicle, or while using a privately-owned vehicle in the discharge of official duties.

Moreover, candidacy for, and service in, a partisan political office shall not result in neglect of, or interference with, the performance of the duties of the employee or create a conflict, or apparent conflict, of interest.

Sections 733.103 and 733.104 of Title 5, Code of Federal Regulations, do not apply to individuals, such as career senior executives and employees of the Federal Bureau of Investigation, who are employed in the agencies and positions listed on the Web site of the United States Office of Special Counsel, at *http://www.osc.gov/haFederalFurtherRestricted.htm,* and at 5 CFR 733.105(a). These individuals are subject to the more stringent limitations described in 5 CFR 733.105 and 733.106.

Individuals who require advice concerning specific political activities, and whether an activity is permitted or prohibited under 5 CFR 733.103–733.106, should contact the United States Office of Special Counsel at (800) 854–2824 or (202) 254–3650. Requests for Hatch Act advisory opinions may be made by email to: *hatchact@osc.gov.*

The District of Columbia will be listed alphabetically after Crane, Indiana, and before Elmer City, Washington, at 5 CFR 733.107(c).

E.O. 12866, Regulatory Review

This regulation has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the changes will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 733

Political activities (Government employees).

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

Accordingly, the Office of Personnel Management amends 5 CFR part 733 as follows:

PART 733—POLITICAL ACTIVITY—FEDERAL EMPLOYEES RESIDING IN DESIGNATED LOCALITIES

■ 1. The authority citation for part 733 is revised to read as follows:

Authority: 5 U.S.C. 7325; Pub. L. 112–230, 126 Stat. 1616 (Dec. 28, 2012); sec. 308 of Pub. L. 104–93, 109 Stat. 961, 966 (Jan. 6, 1996).

■ 2. Section 733.107(c) is amended by adding the District of Columbia, alphabetically, to the list of other designated municipalities as set forth below.

§ 733.107 Designated localities.

* * * * *

(c) * * *

Other Municipalities

* * * * *

District of Columbia

* * * * *

[FR Doc. 2013–26741 Filed 11–6–13; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317, 318, 320, 327, 331, 381, 412, and 424

[Docket No. 99–021F; FDMS Docket Number FSIS–2005–0016]

RIN 0583–AC59

Prior Label Approval System: Generic Label Approval

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is amending the meat and poultry products inspection regulations to expand the circumstances in which FSIS will generically approve the labels of meat and poultry products. The Agency also is consolidating the regulations that provide for the approval of labels for meat products and poultry products into a new Code of Federal Regulations (CFR) part.

DATES: This rule is effective January 6, 2014.

FOR FURTHER INFORMATION CONTACT: Jeff Canavan, Deputy Director, Labeling and Program Delivery Staff, Office of Policy and Program Development, Food Safety and Inspection Service, U.S. Department of Agriculture, Stop Code 3784, Patriots Plaza 3, 8–161A, 1400 Independence Avenue SW., Washington, DC 20250–3700; Telephone (301) 504–0879; Fax (202) 245–4792.

SUPPLEMENTARY INFORMATION:

Executive Summary

The Federal Meat Inspection Act (FMIA) (21 U.S.C. 601 *et seq.*) and the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*) direct the Secretary of Agriculture to maintain meat and poultry product inspection programs designed to assure consumers that meat and poultry products distributed to them (including imports) are safe, wholesome, not adulterated, and properly marked, labeled, and packaged. They also prohibit the sale or offer for sale by any person, firm, or corporation of any article in commerce under any name or other marking or labeling that is false or misleading or in any container of a misleading form or size.[1] FSIS has interpreted these provisions as requiring that the Secretary of Agriculture or his or her representative approve all labels used on federally inspected and passed, and imported, meat and poultry products before the products are distributed in commerce. Without approved labels, meat and poultry products may not be sold, offered for sale, or otherwise distributed in commerce.

To ensure that meat and poultry products comply with the FMIA and PPIA and their implementing regulations, FSIS conducts a prior approval program for labels that are to be used on federally inspected meat and poultry products and imported products (see 9 CFR 317.4, 317.5, 327.14, 381.132, 381.133, 381.134, and 381.205). Under the current program, FSIS evaluates sketches of labels for approval. A ''sketch label'' is a printer's proof or other version that clearly shows all required label features, size, location, and indication of final color. To obtain sketch label approval, domestic meat and poultry establishments and certified foreign establishments, or their representatives, submit sketch labels to FSIS for evaluation, except when the label is generically approved by the Agency under 9 CFR 317.5 or 381.133.

Generic label approval refers to the prior approval of labels or modifications to labels by the Agency without submitting such labels to FSIS for sketch approval. Generic label approval requires that all mandatory label features be in conformance with FSIS regulations (9 CFR 317.5(a)(1) and 381.133(a)(1)). Although such labels are not submitted to FSIS for approval, they are deemed to be approved and, therefore, may be applied to product in accordance with the Agency's prior label approval system. Sections 317.5 and 381.133 also list the types of labels and modifications to labels that are deemed to be approved without submission to FSIS, as long as the label displays all mandatory label features in

[1] 21 U.S.C. 607(d); 21 U.S.C. 457(c).

conformance with applicable Federal regulations.

FSIS is finalizing its proposal to amend the meat and poultry products inspection regulations to expand the circumstances in which FSIS will generically approve the labels of meat and poultry products. The Agency also is consolidating the regulations that provide for the approval of labels for meat products (9 CFR 317.4) and poultry products (9 CFR 381.132) into a new part 412 in title 9 of the Code of Federal Regulations (CFR).

TABLE 1—SUMMARY OF ESTIMATED COSTS AND BENEFITS

Estimated quantified benefits, costs, and net benefits			
Entity	Annualized benefits (7% discount, millions $)	Annualized costs	Annualized net benefits (7% discount, millions $) [a]
Establishments	$1.944	$0	$1.944
Agency	.640	0	.640
Total	2.584	0	2.584

[a] Annualized total net benefits at a 3% discount rate are $2.211 million.

Background

Proposed Rule

On December 5, 2011, FSIS published a proposed rule to amend the meat and poultry products inspection regulations (9 CFR 317.5 and 381.133) to expand the circumstances under which the labels of meat and poultry products would be deemed to be generically approved [2] by the Agency (76 FR 75809). FSIS also proposed to combine the regulations that provide for the approval of labels for meat products and for poultry products (9 CFR 317.4 and 381.132) into a new part 412.

After review and consideration of all comments, FSIS is finalizing the proposed rule with four changes. FSIS proposed to stop evaluating the mandatory features on labels that are generically approved but have been submitted for review because they contain a special statement or claim. In response to comments, however, the Agency has decided continue to provide for the review of all labels. However, labels that cannot be generically approved will receive first priority. Labels that qualify for generic approval will receive second priority and may take longer to be reviewed.

In the preamble to the proposed rule, FSIS said that statements on labels that are defined in FSIS's regulations or policy guidance would not need to be submitted to FSIS for evaluation. However, the accompanying regulatory text only referred to statements that are defined in FSIS's regulations as generically approved. Therefore, to clarify FSIS's intent in the proposed rule, FSIS has amended 9 CFR 412.1(e) to provide that claims and statements that are defined in FSIS's regulations or in the Food Standards and Labeling Policy Book, except for ''natural'' and negative claims, and that comply with those regulations and policies, are deemed to be approved by the Agency without being submitted for evaluation and approval. The Agency has also amended 412.2(b) to require that labels that bear claims and statements that are not defined in the Federal meat and poultry products inspection regulations or in the Food Standards and Labeling Policy Book, including ''natural'' and negative claims, be submitted for approval.

Under the proposed rule, labeling with special statements or claims that has been reviewed by other Government agencies could not be generically approved under the Agency's regulations. However, in response to comments, FSIS has determined that a label bearing a child-nutrition (CN) box will not be considered to have a special statement or claim on it that would require sketch approval by FSIS. The CN information in CN boxes is reviewed and evaluated for approval by the Agricultural Marketing Service, removing it from the realm of a special statement or claim.

Also in response to comments asking that the Agency update the Food Standards and Labeling Policy Book before this final rule is published, FSIS has decided to stop adding policy guidance to it. FSIS will continue to amend or remove items in the book, as necessary, but it will no longer add new material to it beginning on the date that this final rule is published. The Agency will convey new labeling policy by other means, such as compliance policy guides.

Final Rule

This final rule is consistent with the proposed rule. The final rule provides that establishments are required to submit for evaluation only certain types of labeling, e.g., labels for temporary approval, labels for products produced under religious exemption, labels for products for export with labeling deviations, and labels with claims and special statements. FSIS will continue to require the submission of such labels because they are more likely to present significant policy issues that have health or economic significance. Examples of labels that must continue to be submitted for evaluation and approval before use under the final rule are: (1) Labels for chicken produced under Buddhist exemption; (2) labels for beef intestine produced for export to China that identify the product as ''beef casings,'' and (3) labels for temporary use that do not list all ingredients in the correct order of predominance.

Examples of special statements and claims for use on labels that must also continue to be submitted for evaluation and approval before use under the final rule are: (1) Claims relating a product's nutrient content to a health or a disease condition; (2) statements that identify a product as ''organic'' or containing organic ingredients; (3) claims that are undefined in FSIS regulations or the Food Standards and Labeling Policy Book, e.g., claims regarding the raising of animals, such as ''no antibiotics administered'' or ''vegetarian fed''; (4) instructional or disclaimer statements concerning pathogens, e.g., ''for cooking only'' or ''not tested for *E. coli* O157:H7;'' and (5) statements that identify a product as ''natural.''

Under this final rule, statements on labels that are defined in FSIS's regulations or the Food Standards and Labeling Policy Book, except for

[2] Generic label approval refers to the prior approval of labels or modifications to labels by the Agency without submitting such labels to FSIS for sketch approval.

''natural'' and negative claims, may be generically approved by the Agency without being submitted for evaluation and approval. Such claims include a statement that characterizes a product's nutrient content that is consistent with the applicable Agency regulation, such as ''low fat;'' that has geographical significance, such as ''Italian Style;'' or that makes a country of origin statement on the label of any meat or poultry product ''covered commodity.'' Consistent with the proposed rule, FSIS will not view the addition of an allergen statement (e.g., ''contains soy'') applied in accordance with the Food Allergen Labeling and Consumer Protection Act (FALCPA) as a special statement or claim that requires sketch approval.

Under this final rule, a label bearing a child-nutrition (CN) box will not be considered to have a special statement or claim on it that would require sketch approval by FSIS. The CN information in CN boxes is reviewed and evaluated for approval by the Agricultural Marketing Service, removing it from the realm of special statements or claims. Therefore, under this final rule a CN box on a meat or poultry product is generically approved.

When this rule becomes effective, labels that do not qualify for generic approval will receive first priority for review. Labels that do qualify for generic approval will receive a lower or second priority.

FSIS is also reorganizing the regulations in this final rule by consolidating the labeling approval rules that currently are presented separately for meat and poultry products (in 9 CFR 317.4 and 381.132, respectively) into a single, new part, 9 CFR Part 412. FSIS believes that the public will be better served by having the regulations governing label approval consolidated in one part of title 9. Rather than searching through two separate parts of title 9, 317 and 381, to find the label approval regulations, interested parties will only have to survey one, part 412, to be able to apply generically approved labels to their meat and poultry products.

Summary of and Response to Comments

FSIS received 47 separate comments to the proposed regulation from consumers (6), students (5), meat and poultry companies (9), trade associations (13), label consultants (8), health related sources (5), and an agriculture center. Just over half of the comments supported the proposal to expand generic approval. Of those, a great majority suggested expanding the generic approval system beyond that which the Agency proposed. These commenters supported the rule on the grounds that it will streamline and modernize the prior label approval system, thereby reducing the volume of paperwork and labels that need to be filed with FSIS. They also stated that it will decrease costs and utilize FSIS and industry resources more effectively. These commenters also stated that industry members will be able to devise their own approval systems, gaining time that is lost to long Agency approval times. Commenters stated that the efficient use of industry resources will also lead to faster introduction of innovative products into the marketplace and the enhancement of food safety.

Approximately nineteen commenters opposed the rule. The major reason for their opposition was concern about allergen listings on labels. Finally, seven of the comments were outside the scope of the rule. These commenters addressed issues such as the inclusion of Country of Origin Labeling on all labels; the production and sale of labels by USDA; developing better definitions of ''gluten free'' and ''wheat free;'' defining terms like ''natural;'' and reconsidering the amenability of flavors. A summary of the relevant issues raised by commenters and the Agency's responses follows.

1. Allergens

Comment: Numerous commenters believe that FSIS review of labels is a critical part of ensuring the accuracy of the ingredients statement on meat and poultry products. Commenters opposed to the proposal said that it would reduce oversight in a critical food safety area and, for that reason, would increase the likelihood that meat and poultry products containing undeclared allergens would enter the marketplace, and that more recalls would occur. One commenter stated that it was important to have FSIS review food labels and take steps to be certain that labels are clear and accurate.

Response: FSIS disagrees that the expansion of generic labeling will increase the likelihood that meat and poultry products will enter the marketplace with undeclared allergens. One of the purposes of prior label review is to ensure that the up to eight labeling features required by the meat and poultry products inspection regulations are present on the label, and that any claims are appropriately supported. Another purpose is to identify undefined claims, ad copy, or other information that may be false or misleading.

Prior label review does not, however, involve comparing the information on a label directly with the ingredients actually used in the food product that is to bear the label—the only way to determine whether allergens that have not been declared on the label have actually been used in the product. It is for inspection program personnel (IPP) to conduct reviews of this kind in the establishment, after the relevant label has been approved, whether generically or on a per-case basis by label reviewers in Washington, DC. IPP review labels and compare them to actual product formulations to verify that that the ingredients used in the production of the product are listed accurately on the label, that the label is not misleading, and that it is otherwise in compliance with all labeling requirements.

There were 30 allergen-related recalls of meat and poultry products during 2012. None of those recalls, however, resulted from changes that could have been identified through the Agency label review process. In some cases, labeling errors occurred because an establishment switched to a different supplier for a spice mix or blend used in product production but then did not check the new list of ingredients against its label inventory to ensure that they matched. Similarly, in other cases ingredient reformulations or product reformulations that changed the sub-listing of ingredients were not reflected on a product's label. Other labeling errors resulted from production mistakes, such as packaging the product in the wrong box.

More than 85 percent of the allergen-related recalls over the past year occurred as a result of something that happened after the label in question was approved by FSIS, a situation that prior label approval could obviously not change.

Under 9 CFR 317.2(f) and 381.118, establishments are required to list all ingredients used to formulate meat and poultry products in the ingredients statement on the product label, including potential allergens. FSIS's prior label review is not and cannot be a substitute for the careful application of labels to products by the meat and poultry industry.

Comment: Several commenters suggested that the Agency require the declaration of major allergens on the labels of FSIS-regulated foods.

Response: While a separate statement addressing specific allergens in the product is not mandatory for meat and poultry products as it is with foods regulated under the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), Public Law 108–282,

all ingredients in meat and poultry products must be listed on the label in the ingredients statement. As a result, all allergens are listed on the product. In addition, through its prior label approval system, FSIS is aware that most establishments are voluntarily including information consistent with the Food Allergen Labeling and Consumer Production Act of 2004 at the end of the ingredients statement, such as, ''contains milk and soy.'' FSIS plans to continue to monitor allergen statements, which establishments may apply voluntarily to labels, and will not initiate rulemaking to make allergen statements a required label feature. FSIS intends to continue to use its post-market surveillance activities to ensure that labels containing statements of this type are not false or misleading and comply with all applicable Federal regulations. FSIS also has no plans to require the listing of specific allergens on meat and poultry product labels.

2. Resource Issues

Comment: Some commenters said that industry does not understand the regulations sufficiently, or have the resources, to produce accurate labels without prior review of them by FSIS. A few were concerned that small and very small establishments will need to secure expensive legal and regulatory expertise to determine compliance with labeling requirements. They and others were also troubled by the Agency's decision to stop evaluating mandatory features that are generically approvable on a label submitted for review because of a special statement or claim.

Response: FSIS will provide labeling guidance so that small and very small establishments should not need to hire experts or additional staff to comply with FSIS's labeling requirements. In addition to the labeling guidance already available on the FSIS Web site, the Agency plans to develop additional materials to assist industry when applying labeling regulations and policies. While there is a good deal of information currently located on the Web site, it is not consolidated in one location. FSIS intends to better organize the Web site to make it easier for interested parties to find labeling and standards information posted there. Furthermore, the new web-based Label Submission and Approval System (LSAS) includes a ''generic label advisor'' to assist establishments in determining whether labels are generically approved or require sketch approval. FSIS also intends to develop Webinars and PowerPoint presentations on generic labeling to provide information to industry.

To implement this rule, FSIS will issue instructions to field personnel on their responsibilities related to expanded generic label approval. In addition, FSIS staff will be available to answer questions pertaining to generic approvals of labels.

In response to comments indicating a desire to continue submitting labels to FSIS for guidance, evaluation, and approval, the Agency has decided to continue to provide for the review of all labels. However, labels that cannot be generically approved will receive first priority. Labels submitted that can be generically approved will receive second priority and may take longer to be reviewed. While FSIS prioritizes its workload, establishments may commence to market their products with labels that have already been submitted for review. Reviewing these labels on a priority basis will not affect the Agency's projected cost savings.

As a result of its decision to continue providing for the review of all labels, FSIS, as a commenter asked, has not revised the regulatory text to state that the Agency will review only the special statement or claim, and not the rest of the submitted label, unless otherwise requested.

Comment: One commenter asked FSIS to streamline and improve the label submission form and the amount of information required to be submitted with it, eliminating, for example, the submission of processing procedures and the exact level of ingredients.

Response: While FSIS will consider ways that it can improve the label submission form, FSIS will continue to require the submission of information on processing procedures under 9 CFR 320.1 and 381.175 to assess whether the processing and labeling of the product is consistent with Hazard Analysis and Critical Control Point (HACCP) category. FSIS needs this information to verify statements or claims on the label. The information on processing procedures need not be extensive. FSIS accepts information on processing procedures as long as it is sufficient to allow the Agency to verify that the label is consistent with the product's processing. For example, the processing information submitted for a product label needs to be sufficient to justify its label description as ''smoked'' or ''cooked.''

Similarly, it is not necessary for an establishment to submit the exact levels of a product ingredient. FSIS will continue to accept a range for ingredients in a product formula, except for ingredients with regulatory limits established in FSIS or Food and Drug Administration regulations, if the establishment maintains the correct order of predominance.

3. Claims and Statements Defined in Guidance Documents

Comment: Several commenters asked what claims and statements defined in policy guidance may be considered to be generically approved. Several commenters also pointed to an inconsistency between the preamble of the proposed rule and its regulatory text. In the preamble (76 FR 75814), FSIS wrote:

> . . . statements on labels that are defined in FSIS's regulations or policy guidance, e.g., a statement that characterizes a product's nutrient content, such as ''low fat''; that has geographical significance, such as ''Italian Style''; or that makes a country of origin statement on the label of any meat or poultry product ''covered commodity,'' will not need to be submitted to FSIS for evaluation.

However, the accompanying regulatory text only referred to statements that are defined in FSIS's regulations as generically approved.

Response: In the final rule, to clarify FSIS's intent in the proposed rule, in 9 CFR 412.2(b) FSIS has provided that claims and statements that are defined in FSIS's regulations or in the Food Standards and Labeling Policy Book, (e.g., a statement that characterizes a product's nutrient content, such as ''low fat,'' has geographical significance, such as ''German Brand,'' or makes a country of origin statement on the label of any meat or poultry product ''covered commodity''), except for ''natural'' and negative claims, and that comply with those regulations and policies, are deemed to be approved by the Agency without being submitted for evaluation and approval. Similarly, in 9 CFR 412.1(e), FSIS is requiring that labels that bear claims and statements that are not defined in the Federal meat and poultry products inspection regulations or in the Food Standards and Labeling Policy Book, including ''natural'' and negative claims, be submitted for approval.

Therefore, interim policy guidance and other guidance not included in the Food Standards and Labeling Policy Book cannot be deemed approved without evaluation and review by FSIS. Interim policy typically involves novel labeling statements or claims that present significant public health or economic issues and that constitute special statements or claims. Other guidance not included in the Food Standards and Labeling Policy Book includes animal production claims; omega fatty acid guidance; allergen claims, such as ''milk free''; and whole grain claims. The Agency must approve

these statements or claims on a case-by-case basis.

Note that if a special statement or claim has been approved for an establishment under the current system, the establishment will not need to resubmit the label bearing it under this new final rule. It would only have to resubmit the label if it added a new special statement or claim to the previously approved label.

Comment: Several commenters suggested that FSIS make available a comprehensive list or guide that outlines what statements or claims need prior label approval.

Response: FSIS agrees that this is a good idea. We intend to develop a guidance document concerning claims that can and cannot be generically approved.

4. Expansion of Generic Labeling

Comment: As mentioned earlier, many of the commenters in favor of the proposed rule suggested expanding the generic approval system beyond that which was proposed.

Response: Many of the labels that commenters asked be generically approved are, under 9 CFR 412.1, which is being added to FSIS's regulations by this final rule, specifically required to be submitted for evaluation and review by FSIS. Examples of such labels and information are sketch labels for products produced under a religious exemption, sketch labels for products for foreign commerce whose labels deviate from FSIS regulations, special statements and claims, and requests for the temporary use of final labeling that is deficient in some particular. These labels are discussed later in this document.

Some of the commenters' suggested changes are not necessary because, as proposed and under this final rule, the labeling statements raised can be approved without prior submission to FSIS. An example would be foreign language labels. One commenter stated that labels containing foreign languages on products for sale in the U.S. that do not have special statements or claims should not need sketch approval from FSIS. While the current meat and poultry inspection regulations do not permit the generic approval of a label adding or deleting a direct translation of the English language into a foreign language for product sold in the U.S.,[3] this final rule will do so. These types of labels do not fall into any of the categories of labels that must be submitted to FSIS for evaluation and review. Another suggested change, that modifications to product labels reflecting changes made by suppliers should be generically approvable, is unnecessary. As in the proposal, the final rule will permit these modifications to be generically approved, and thus no expansion of the generic approval system is needed.

We were asked by a commenter if we intended to permit the generic approval of previously approved labels containing special claims when the only modification involves changes unrelated to the special claim. The answer is yes. Previously approved labels containing special claims may be generically approved if the only modification involves changes unrelated to the special claim.

Comment: Many commenters asked that FSIS allow the generic approval of final labels off of temporary labels, as well as the generic approval of temporary label extensions. Several more suggested that temporary labels that contain minor inaccuracies but present minor health risks be deemed generically approved. Others sought generic approval for different types of temporary labels on meat and poultry products. For example, commenters suggested that FSIS generically approve temporary labels when the ingredient list of a meat or poultry product changes. Another asked for generic approval of temporary labels on secondary products. Other commenters sought generic approval in other situations, such as the removal of a non-USDA-regulated ingredient from a product formula; a change of place in the order of predominance of an ingredient in a food regulated by FDA used in the formulation of a meat or poultry food product because of a change in suppliers; and a modified ''blanket'' approval based on a single temporary approval.

Response: After reviewing the comments, FSIS has determined that it would be inappropriate to allow the following types of labels to be deemed approved without Agency evaluation and review:

Labels bearing negative, ''natural,'' and ''organic'' claims: These labels are not generically approvable because they are special claims, as defined in 9 CFR 412.1(e) of this final rule.

The meat and poultry regulations do not define ''negative,'' ''natural,'' or ''organic.'' ''Negative'' labeling claims are defined in the Food Standards and Labeling Policy Book. Negative claims refer to statements highlighting the absence of an ingredient or another constituent of the food, an example of which, ''gluten free,'' has been codified in 9 CFR 412.1(e). ''No milk'' is another example of a negative claim that highlights the absence of an ingredient or another constituent of a food. A negative claim may also identify the absence of certain types of ingredients, e.g., ''no preservatives'' or ''no artificial coloring'' based on the product formulation. Consequently, negative claims can vary greatly, from a specific ingredient to a class of substances, making it difficult to determine whether a label bearing this type of claim is compliant.

''Natural'' is also a claim that is undefined in FSIS's regulations but is defined in the Food Standards and Labeling Policy Book. However, natural is a controversial claim which has come under great scrutiny in the last several years and for which FSIS is considering rulemaking.[4]

''Organic'' is not defined in FSIS's regulations. Consequently, establishments may not be familiar with the Agency's requirements for the support or application of this claim, which could result in increased labeling errors and misbranded product. While industry is familiar with the requirements for mandatory label features, as noted in the proposed rule, the Agency believes that it needs to continue to provide pre-market evaluation and approval of ''organic'' claims because they present significant and evolving policy issues.

For the above reasons, FSIS must see the ingredients listing on a label containing a negative, ''natural,'' or ''organic'' claim to be able to verify its accuracy.

Labels marked ''for export only'' (previously sketch approved with minor modifications): Exports of U.S. meat and poultry products occur in the context of U.S. government-foreign government agreements. These agreements require U.S. government approval of labels on meat and poultry products to be exported. One aspect of this approval is ensuring that any changes made to labels on meat and poultry products are allowed per the importing country's laws. Therefore, labels marked ''for export only'' cannot be generically approved.

Labeling with special statements or claims that has been reviewed by other Government agencies: Except for meat and poultry product labels that bear child-nutrition (CN) boxes, which are reviewed and approved by the Agricultural Marketing Service (AMS),

[3] 9 CFR 317.5(b)(9)(xxiv) and 381.133(b)(9)(xxv).

[4] *See* ''Product Labeling: Definition of the Term ''Natural'' and related materials (71 FR 70503, Dec. 5, 2006) and ''Product Labeling: Use of the Voluntary Claim ''Natural'' in the Labeling of Meat and Poultry Products'' and related materials (74 FR 46951, Sep. 14, 2009).

at this time, no other labeling that may be placed on meat and poultry products is reviewed by other Government agencies. While agencies such as FDA and AMS may have extra-regulatory processing marketing, or verification programs, the labels applied to meat and poultry products as part of these programs are not reviewed and approved by the other agencies. Rather, these agencies are verifying the documented production, manufacturing, or service delivery processes of suppliers of agricultural products or services. Therefore, because only the production, manufacturing, or service delivery process is being verified by these agencies, and not the label itself, they may not be generically approved under the Agency's regulations. In addition, the statements on the labels are considered special statements or claims that may not be approved without submission to and evaluation by FSIS.

Under this final rule, however, a label bearing a child-nutrition (CN) box will not be considered to have a special statement or claim on it that would require sketch approval by FSIS. The CN information in CN boxes is reviewed and evaluated for approval by the Agricultural Marketing Service, removing it from the realm of a special statement or claim. Therefore, under this final rule, a CN box on a meat or poultry product is generically approved.

Temporary label approvals and extensions: Temporary labels are not good candidates for generic approval. Temporary label approvals may not be used longer than 180 days. The Agency is concerned that allowing the extension of temporary label approvals on a generic basis would result in use of the labels well beyond the 180-day limit. Because the temporary approval would have been granted generically, FSIS would have no way of knowing the limit on the generic approval. In addition, the regulations in this final rule that outline the conditions under which temporary label approval may be granted are based on FSIS evaluating and reviewing the labels, not industry. The regulations are not, in the Agency's opinion, specific enough to assist establishments in determining when a temporary label may be granted.

Some of the temporary labels for commenters recommend generic approval would require establishments to assess the public health risk of the modification at hand, e.g., the non-declaration on the label of a particular ingredient. It would not be appropriate for establishments to conduct such an assessment. FSIS needs to assess the public health risk and potential economic adulteration when deciding to grant approval for the use of a temporary label.

For these reasons, FSIS is not expanding the scope of generic labeling approval to include temporary label approvals and extensions.

Religious exemptions: Generically approved labeling is not appropriate for the labeling of religious-exempt product because such product does not receive the mark of inspection and, therefore, deviates from the general labeling requirements for meat and poultry products.

Front-of-package labeling statements that meet the requirements for nutrient content claims, including statements of quantity: FSIS considers certain front-of-pack (FOP) labeling statements, such as those highlighting select nutrients from the nutrition facts panel placed on the principal display panel, to be nutrient content claims. However, unlike traditional nutrient content claims, such as ''low fat,'' that are defined in FSIS regulations, there are no guidelines for the multiple types of FOP labeling statements on labeling. Therefore, FSIS needs to continue to require prior evaluation and approval by the Agency to ensure these statements are truthful and not misleading.

Claims that may not present public health or economic concerns: These labels might include marketing promotions, logos from recognized third parties, and general wellness claims.

FSIS does not agree that labels such as these should be deemed to be approved without Agency evaluation and review. As with some of the temporary labels for which generic approval is being sought, whether a label presents a food safety issue or not requires an assessment of the public health risk presented by the label. It is appropriate that FSIS, not establishments, conduct such an assessment.

In addition, the generic approval of labels that include marketing promotions, logos from recognized third parties, general wellness claims, and other similar features that, in the opinion of industry, do not present consumer confusion issues, would still be problematic because these labels may include claims that are not addressed in the meat and poultry regulations. Some of these labels might also fall into the category of implied nutrient content claims as defined in 9 CFR 317.313(b)(2) and 381.413(b)(2), e.g., a claim that suggests that the product, because of its nutrient content, may be useful in maintaining healthy dietary practices and is made with an explicit claim or statement about a nutrient. Because FSIS does not have any regulations that cover the application of implied claims to meat and poultry labels, establishments would have great difficulty determining whether such labels are generically approved. For these reasons, these labels must continue to be submitted to FSIS for evaluation and review under this final rule.

Comment: One commenter asked whether developmental claims or messages regarding infants and children could be generically approved.

Response: No, such claims do not fit into any of the generic categories because they are not defined in FSIS regulations or in the Food Standards and Labeling Policy Book. They are special statements or claims.

5. Elimination of Evaluation and Review

Comment: Those opposed to the proposal felt that expanding the generic approval system will open it up to possible abuse, whether intentionally or through establishment ignorance, resulting in harm to consumers. Concerns included a lack of sufficient expertise, commitment, or money, as well as a lack of trust in the meat and poultry industry to police itself, particularly with regard to labeling accuracy. Commenters suggested that this would expose consumers to hundreds of thousands of adulterated and misbranded products.

Response: FSIS does not agree with these comments. Special statements and claims that are not defined in FSIS regulations or the Food Standards and Labeling Policy Book, including negative and ''natural'' claims, will continue to be evaluated and approved under this final rule. The eight required features on labels, product name; inspection legend/establishment number; handling statement; net weight; ingredients statement; signature line; nutrition facts; and safe-handling instructions have been required for many years. Establishments are required to include these basic labeling features properly on their product labels. FSIS inspection program personnel verify that establishments' labels comply with these requirements.

FSIS's decision to provide for the review of all labels, whether or not they contain special statements or claims, will assist those establishments with insufficient expertise or funds to comply with the requirements of this final rule. The reduction in the number of labels reviewed by FSIS as of result of this final rule will also allow the Agency to respond to labeling questions from the meat and poultry industry and to develop the materials needed to

successfully implement these regulations.

Comment: One commenter stated that an electronic program to automatically scan and review labels would reduce the time spent by FSIS reviewing labels and would allow labeling staff to concentrate on other food safety regulations.

Response: While no system can scan and review labels, FSIS has recently released an electronic label system to allow for easier label submission. Using the Label Submission and Approval System (LSAS), establishments are able to submit label applications, supporting materials, and appeals to FSIS via the Internet. While the system will not check labels automatically for errors, it will scan them for some common errors in the label submission process, including illegibility, missing information on the transmittal form, and missing support documentation. The system also includes a feature that helps submitters determine whether a label can be generically approved, or if it must be submitted to FSIS for approval. The use of LSAS will have a positive impact on the speed and accuracy of label review.

Comment: Some commenters stated that the rule would harm industry through recalls, tagged products, loss of goodwill, and loss of valuable label inventories.

Response: FSIS disagrees with these comments. Industry is familiar with the eight mandatory labeling features that have been required for many years. Additionally, industry has had 16 years of experience applying the current generic labeling regulations.

FSIS has not observed an increase in loss of product or labels, or an increase in meat and poultry product recalls, as a result of establishments applying generically approved labels. Labels found to be deficient in some particular may be eligible for temporary approval. In addition, establishments may submit requests for temporary approval for retained product (''tagged'') as an ''extraordinary circumstance'' as described in the following compliance policy guide on the Agency's Web site: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/labeling/labeling-procedures/procedures-evaluating-labeling.* Labels submitted as an extraordinary circumstance are given the highest priority for label evaluation to prevent loss of product. Labels determined to be ineligible for temporary approval without modification may be brought into compliance for use through the use of pressure sensitive stickers. Pressure sensitive stickers are used to cover or correct inaccurate or misleading information. FSIS has published a guidance document for compliance assistance on the use of pressure sensitive stickers at: *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/labeling/Labeling-Policies/pressure-sensitive-stickers/pressure-sensitive-stickers.* Temporary approval is not required to bring labels into compliance through the use of pressure sensitive stickers. Moreover, FSIS has regulatory authority to grant temporary approval for the use of labels that may lack some particular information if use of the labels will not misrepresent the product, present a health or safety issue, or provide an unfair economic advantage.

We recognize that this rule is more extensive than the current labeling regulations in that it increases the amount of labeling that industry can self-declare generically approved and therefore not submit to FSIS for prior approval. We therefore acknowledge the need for updated labeling information and directions to IPP in appropriately assessing the accuracy of the labeling records and whether the label has been generically approved. We intend to provide guidance and issue instructions to IPP to help them perform their in-plant labeling verification activities.

6. Implementation of the Final Rule

Comment: Many of the commenters that supported the proposed rule nonetheless had concerns about implementation of the final rule. One of these concerns was ensuring that all parties, that is, industry, the FSIS labeling staff located in Washington, DC, and IPP, understand how the generic approval program is administered, monitored, and enforced. Several commenters asked that FSIS provide an implementation plan and a consistent method and process for the clarification and redress of issues identified by IPP or establishments, along with a timetable for redress. Other implementation issues raised include:

1. FSIS issuance of a directive that details the role of IPP, including when and how to conduct a generic label verification check, how the inspector-in-charge should communicate with FSIS labeling staff, and how establishments can appeal generic labeling issues directly to the FSIS labeling staff, rather than IPP;

2. Authorizing only FSIS labeling staff, rather than IPP, to decide if a label is not eligible for generic approval, and advising IPP to contact FSIS labeling staff before taking regulatory control actions; and

3. Prohibiting the interruption of product flow unless the errors on the label constitute immediate, genuine situations of public health concern, or until it is confirmed that the errors constitute a public health concern, economic fraud, or an unfair competitive advantage.

Commenters also requested greater access to FSIS label staff and asked that the FSIS Policy and Labeling Book be updated before the final rule is published.

Response: FSIS intends to issue instructions to IPP that will address these and other issues relating to label verification activities. The instructions will include specific label tasks associated with in-plant labeling verification activities, such as verifying that all ingredients are appropriately declared on labeling. If labels are determined to be out of compliance, the instructions will provide guidance to IPP on how to document the noncompliance in the Public Health Inspection System (PHIS), and what actions are to be taken. In addition, the Agency will provide training to Agency personnel and guidance materials to industry on labeling regulations and policies, including generic labeling.

FSIS plans to provide outreach assistance to companies producing and submitting meat and poultry labels so that they may take full advantage of this time and cost saving measure. The Agency will develop compliance policy guides, webinars, and PowerPoint presentations for industry. FSIS also intends to better organize the information on its Web site to make it easier for interested parties to find labeling and standards information posted there. FSIS believes that these actions will reduce the number of label submissions to FSIS headquarters, thus increasing the availability of FSIS labeling staff.

Upon publication of this final rule, FSIS will cease adding new items to the Food Standards and Policy Labeling Book. FSIS will continue to amend or remove items in the book, as necessary, but it will no longer add new material to it beginning on the date that this final rule is published. The Agency will convey new labeling policy by other means, such as compliance policy guides.

7. Survey Data

Comment: A few commenters opposed the rule on the grounds that the Generic Label Audit System (GLAS) data supporting the proposal are not valid because of the age of the information, the manner in which labels were selected for review, and the lack of

a final report. Furthermore, commenters stated that FSIS did not complete or publish a final GLAS report. These commenters stated that a new survey needs to be conducted to determine the effects of the current rules on label compliance, public safety and health, and competition within the industry.

Response: As stated in the preamble to the proposed rule, FSIS recognizes that the data from the survey referenced in the 2011 proposed rule are over 13 years old. The Agency concluded, however, that the survey showed that the great majority of establishments surveyed could effectively use generic approval without first submitting sketch labels to FSIS for evaluation and approval. The survey results also confirmed that the gradual implementation of the generic label provisions promulgated in 1995 [5] was effective. The Agency is not aware of any reason why this situation does not continue to prevail today. In addition, FSIS has developed a significant amount of policy guidance, including labeling compliance guideline tools such as a suggested label submission checklist and a list of the 10 most common mistakes and ways to avoid them, for industry use since the survey was done. *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulatory-compliance/labeling/labeling-procedures*.

8. Miscellaneous Comments

Comment: One commenter believed that it would be illegal to expand the current generic approval regulations without Congress amending the Acts to relieve the Secretary of Agriculture of the responsibility of prior approval.

Response: FSIS does not agree with this comment. FSIS has administered a generic label approval program since 1996 without requiring modification of the Acts.

Comment: One commenter asked whether 9 CFR 500.8, Procedures for rescinding or refusing of marks, labeling or containers, applies when IPP dispute an establishment's decision to generically approve a label but do not allege that the label is false or misleading.

Response: No. Section 500.8 of 9 CFR is for rescinding or refusing approval of labeling. IPP do not approve or rescind labeling. If IPP dispute an establishment's decision to generically approve a label but do not allege that the label is false or misleading, IPP retain the product in question in accordance with 9 CFR 500.2(a)(3) and issue a noncompliance record (NR) stating that the label requires sketch approval. The NR also indicates why sketch approval is required. The procedures in 9 CFR 500.8 are not usually invoked until after IPP have denied an establishment's appeal of an NR written for incorrectly generically approving a label, and the appeal has moved to the District Office for resolution.

Comment: One commenter stated that the proposed records regulations are unclear, unnecessary, and will invite disputes about records.

Response: Establishments are required to keep records of all labeling, along with the product formulation and processing procedures, as prescribed in 9 CFR 317.4, 317.5, 381.132, and 381.133. The proposal added the requirement that any additional documentation needed to support that the labels are consistent with the Federal meat and poultry regulations and policies on labeling also be kept. For example, in a situation where an establishment makes a ''no MSG'' claim, such documentation would include a sketch approval from the Agency. Furthermore, the product formulation is included on the application to verify the product is absent of the ingredient, which substantiates the validity of the claim.

Comment: One commenter asked about the use of generic approval with egg products labels.

Response: The use of generic approval with egg products labels is being considered in a separate rulemaking action.

Comment: One commenter stated that the Cost Benefit Analysis (CBA) demonstrates that other types of agency cost-saving measures should be considered instead of generic label approval expansion, and that the costs of recalls to manufacturers and, especially, harm to consumers need to be calculated and considered for accurate analysis of the proposal.

Response: The analysis summarized the likely reduction in the number of labels submitted to FSIS for evaluation because the proposed rule will enable the Agency to reallocate the staff hours from evaluating labels towards the development of labeling policy, the evaluation of new and novel labeling policy issues, and involvement in other food safety and consumer protection activities. There is no basis to believe that this action will either increase the number of recalls or harm consumers. Hence, there is no basis to include these costs in the CBA.

Executive Orders 12866 and 13563

Executive Orders (EOs) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select the regulatory approach that maximizes net benefits (including potential economic, environmental, public health and safety, and other advantages, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This action has been reviewed for compliance with EOs 12866 and 13563.

This rule has been designated a ''significant regulatory action,'' although not economically significant, under section 3(f) of EO 12866. Accordingly, the rule has been reviewed by the Office of Management and Budget.

The Agency has estimated that this final rule will result in net benefits to consumers and establishments by expanding the types of labels that are approved generically under the FMIA and the PPIA.

This final rule is consistent with regulatory retrospective efforts and E.O. 13563. The rule will be beneficial because it will streamline the generic labeling process, while imposing no additional cost burden on establishments. Consumers will benefit because industry will have the ability to introduce products to the marketplace more quickly. Moreover, the change will make better use of FSIS resources because it will reduce the number of labels required to be reviewed by the Agency.

This final rule will expand the circumstances in which the labels of meat and poultry products will be deemed to be generically approved by FSIS and to combine the regulations that provide for the generic approval of labels for meat products into a new part 412 in Title 9, Chapter III, of the CFR. It is the next step in the Agency's gradual streamlining and modernizing of the prior label approval system.

This final rule will reduce the number of labels evaluated by FSIS that only bear basic features (e.g., product name, ingredients statement, net weight) and the amount of paperwork filed by establishments with FSIS. These actions will improve the efficiency of the label approval system by streamlining the evaluation process for specific types of labels and making the label approval system more convenient and cost-effective for industry. As for consumers, this new process will enhance market efficiency by promoting a faster

[5] ''Prior Label Approval System,'' (60 FR 67334, Dec. 29, 1995).

introduction of new products into the marketplace to meet demand while not negatively affecting consumer protection from misbranded product.

The analysis of benefits and costs below is the analysis from the proposed rule. FSIS received no updates suggesting that concrete modifications to the analysis were needed, and there have been no major data changes since the proposed rule was published in December 2011. However, data were updated for the discounted cost savings to reflect the corrected discount rate calculations at 7 percent and added the discounted rate calculations at 3 percent. In addition, the total number of labels developed and applied by establishments that do not require FSIS evaluation was updated to reflect a 1 percent growth factor. After reviewing the analysis from the proposed rule, FSIS has determined that it is still accurate.

I. Baseline

Based on the Agency's Performance Based Inspection System databases, in 2011, there were about 6,099 Federal establishments. FSIS estimates that there were approximately 266,000 approved meat and poultry product labels used by these establishments. FSIS evaluated about 66,000 of them in 2010; the remaining 200,000 were approved under the Prior Label Approval System because they met the standards for generic approval.

II. Benefits

A. Industry

This final rule will permit establishments to realize an estimated cost savings of a minimum of $10.1 million (discounted at 7 percent over a 10-year period) for generically approving about 584,486 additional labels over a 10-year period at about $25 per label submission,[6] or about $12.4 million (discounted at 3 percent over a 10-year period. FSIS considers this estimate to be an upper bound, since some establishments may continue to submit generic labels, as defined by this final rule, for review. The annualized cost savings will be $1.9 million at 7 percent over 10 years, or $1.7 million at 3 percent over 10 years. In the absence of this rule, establishments will not realize any cost savings because Federal regulations will continue to require establishments to submit a significant number of labels to the Labeling and Policy Development Staff (LPDS) for evaluation.[7] Establishments will also realize an increase in the number of generically approved labels over a 10-year period under the final rule.

TABLE 2—ESTIMATED ESTABLISHMENT COST SAVINGS

[In 2010 dollars]

Year	Total number of labels developed and applied by establishments that do not require FSIS evaluation *before rule*	Increase in number of labels developed and applied by establishments that would not require FSIS evaluation	Total number of labels developed and applied by establishments that would not require FSIS evaluation *after rule*	Total cost savings Col.(C) × *$25 from reduced need for FSIS label evaluation	To apply discount rate of 7.00%	Discounted total cost savings Col. (E) × Col. (F)
(A)	(B)	(C)	(D)	(E)	(F)	(G)
0	200,000	0	200,000	$0	1.00	$0
1	202,000	50,985	252,985	1,274,625	0.9346	1,191,265
2	204,020	52,515	256,535	1,312,864	0.8734	1,146,655
3	206,060	54,090	260,150	1,352,250	0.8163	1,103,841
4	208,121	55,713	263,833	1,392,817	0.7629	1,062,580
5	210,202	57,384	267,586	1,434,602	0.7130	1,022,871
6	212,304	59,106	271,410	1,477,640	0.6663	984,551
7	214,427	60,879	275,306	1,521,969	0.6227	947,730
8	216,571	62,705	279,276	1,567,628	0.5820	912,359
9	218,737	64,586	283,323	1,614,657	0.5439	878,212
10	220,924	66,524	287,448	1,663,097	0.5083	845,352
Total	2,313,367	584,486	2,897,853	14,612,147	.....	10,095,417

Description:
Col A: Estimate is for a 10-year period. Year "0" is the year before the enactment of the rule.
Col B: Total number of labels developed and applied by official establishments that do not currently require FSIS evaluation.
Col C: Increase in the number of labels generically developed and applied by establishments as a result of the rule (i.e., would not need FSIS evaluation.
Col D: Total number of labels developed and applied by establishments after the rule was enacted.
Col E: Total cost savings realized to establishments, using an estimated $25 as the cost per label submission to LPDS.
Col F: Discount rate of 7 percent.
Col G: Discount cost savings over 10 years.
Source: FSIS Policy Analysis Staff Calculations.

Because fewer labels will need to be submitted to the Agency for evaluation, establishments will realize a cost savings because they will no longer need to incur costs to have certain types of labels evaluated by FSIS. Establishments have the option to continue submitting labels for review. FSIS believes that large and some small establishments will voluntarily use generic labeling. Some small and very small establishments will continue to

[6] The cost per label is the cost of submitting a label for review to FSIS, which averages about $25.00 per submission. This amount will be used as a proxy to estimate the cost savings to establishments that prepare their labels for review using FSIS Form 7234–1 "Application for approval of Labels, Markings, or Device" and preparing a printer's proof of the label for evaluation and approval by LPDS.

[7] See Table 2.

submit labels without a special statement or claim for review. FSIS believes that the number of labels that will continue to be submitted for review will be minimal.

B. Agency

The final rule will reduce the number of labels submitted to FSIS for evaluation and enable the Agency to reallocate the staff hours from evaluating labels towards the development of labeling policy, the evaluation of new and novel labeling policy issues, and involvement in other food safety and consumer protection activities. The final rule will streamline the approval process by amending the regulations to provide that, except in certain specified circumstances, the label of a meat or poultry product is deemed to be approved generically.

TABLE 3—ESTIMATED FSIS COST SAVINGS

[In 2010 dollars]

Year	Total number of labels evaluated and approved by LPDS *before rule*	Total number of labels evaluated and approved by LPDS *after rule*	Annual salary cost ($) of LPDS [1] *before rule*	Annual salary cost ($) of LPDS [2] *after rule*	Annual salary difference (D)–(E)	To apply discount rate of 7.00%	Discounted cost savings (F)*(G)
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
0	66,061	66,061	538,710	538,710	0	1.00	$0
1	68,980	16,995	554,871	134,677	420,194	0.935	392,705
2	70,019	17,505	571,517	138,717	432,800	0.873	378,024
3	72,120	18,030	588,663	142,879	445,784	0.816	363,893
4	74,284	18,571	606,323	147,165	459,158	0.763	350,289
5	76,512	19,128	624,513	151,580	472,932	0.713	337,194
6	78,807	19,702	643,248	156,128	487,120	0.666	324,589
7	81,172	20,293	662,545	160,811	501,734	0.623	312,455
8	83,607	20,902	682,422	165,636	516,786	0.582	300,774
9	86,115	21,529	702,894	170,605	532,290	0.544	289,530
10	88,698	22,175	723,981	175,723	548,258	0.508	278,707
Total	845,315	260,829	6,899,688	2,082,631	4,817,057	.....	3,328,160

Description:
Col A: Estimate is for a 10 year period. Year "0" is the year before the enactment of the rule.
Col B: Total number of labels evaluated and approved by LPDS prior to rule enactment assuming a 3 percent growth factor.
Col C: Total number of labels evaluated and approved by LPDS after rule enactment, assuming a 3 percent growth factor.
Col D: Annual salary cost of LPDS staff who evaluate labels, prior to enactment of rule, assuming a 3 percent growth factor.
Col E: Annual salary cost of LPDS personnel who evaluates labels, after rule enactment, assuming a 3 percent growth factor.
Col F: Annual salary difference between salary before rule enactment and after rule enactment, assuming a 3 percent growth factor.
Col G: Discount rate of 7 percent.
Col H: Discount cost savings.
Footnotes:
[1] Total salary is based on a staff of 11 personnel paid at the average rate of a GS–13, step 4 of $47.09 per hour: 11 staff persons would review labels at a cost of $538,710 per year ($47.09 an hour × 4 hours a day × 11 persons × 5 days a week = $10,359.80. $10,359.80 × 52 weeks = $538,710).
[2] Total salary is based on a staff of 11 personnel paid at the average rate of a GS–13, step 4 at $47.09 per hour: 11 staff persons would review labels at a cost of $134,677.40 per year ($47.09 an hour × 1 hour a day × 11 persons × 5 days a week = $2,589.95 × 52 weeks = $134,677.40.
Source: FSIS Policy Analysis Staff calculations.

Currently (represented as year 0), FSIS reviews 66,000 labels. In years 1–10 (with year 1 representing the beginning of implementation), FSIS is expected to experience a 69 percent reduction in the volume of labels submitted for evaluation. Small and very small establishments may continue to send labels in for review for minor changes. While FSIS prioritizes its workload, establishments may commence to market their products with the labels that are submitted for review, which will not affect the Agency projected cost savings. FSIS will evaluate labels and labeling for one hour per day, five days a week, as a result of the reduction in the volume of labels or labeling submitted to FSIS due to this final rule. Thus, it will permit the Agency to realize an estimated discounted cost savings of $3.3 million over 10 years,[8] at a 7 percent discount rate or $4.1 million over 10 years at a 3 percent discount rate. FSIS also considers this estimate to be an upper bound because, as mentioned before, some establishments may continue to submit labels to FSIS for review that would qualify as generic under this final rule. The annualized cost savings will be $641 thousand at 7 percent over 10 years and $548 thousand at 3 percent over 10 years. FSIS is expected to review a total of 260,890 labels under the rule as compared with 845,315 under the current system.[9] This cost savings from fewer staff hours being allocated towards label evaluation can be redirected towards other food safety and consumer protection activities.

[8] See Table 3.
[9] Ibid.

III. Costs

This final rule will not impose any new costs on meat and poultry establishments that submit labels for review to FSIS and it minimizes the regulatory burden on establishments that submit labels for review. The final rule does not change the requirement that establishments maintain copies of all labeling records, along with the product formulations and a description of the processing procedures used to formulate the products in accordance with 9 CFR 320.2 and part 381, subpart Q. These labeling records must be made available to any authorized Agency official within 24 hours upon request.

The final rule also does not impose any additional cost burden on establishments because first, establishments are already applying generically approved labels and maintaining all labeling records, and second, establishments are experienced in submitting labels to FSIS for evaluation. The cost of label design and products is not a part of this final rule.

IV. Overview

This final rule is beneficial because it streamlines the generic label approval process, while imposing no additional cost burden on establishments or the Agency. FSIS estimates that establishments will realize a discounted cost savings of $10.1 million as a result of their ability to generically approve an additional 584,486 labels over a 10-year period (discounted at 7 percent) or $12.4 million over a 10-year period (discounted at 3 percent). Furthermore, the Agency will realize a discounted cost savings of $3.3 million for evaluating 584,486 fewer labels over a 10-year period (discounted at 7 percent) or 4.1 million over 10 years (discounted at 3 percent). This cost savings in fewer staff hours being spent evaluating labels can be redirected towards other Agency initiatives. The annualized cost savings will be $2.58 million ($1.9 million for establishment + $641 thousand for the Agency) at 7 percent over 10 years or $2.21 million ($1.7 million + $548 thousand) at 3 percent over 10 years. These costs savings estimates should be considered an upper bound, as described earlier. Therefore, the net benefit derived from the final rule is $13.4 million ($10.1 million in establishment savings plus $3.3 million in Agency savings), discounted at 7 percent over a 10-year period or $16.5 million ($12.4 million in establishment savings plus $4.1 million, in Agency savings), discounted at 3 percent, over a 10-year period.

Regulatory Flexibility Analysis

The FSIS Administrator certifies that for the purpose of the Regulatory Flexibility Act (5 U.S.C. 601–602), the final rule will not have a significant economic impact on a substantial number of small entities. The final changes will affect those entities in the United States that submit labels for review to FSIS. There are 6,099 meat and poultry establishments that could possibly be affected by this rule since all are eligible to submit labels for review and 12 small label consulting firms that are involved in various labeling activities, such as submitting labels to FSIS for evaluation on the behalf of meat and poultry establishments. Of the 6,099 establishments, there are about 2,616 small federally inspected establishments (with more than 10 but less than 500 employees) and 3,103 very small establishments (with fewer than 10 employees) based on HACCP Classification. Therefore, a total of 5,719 small and very small establishments could be affected by this rule. These small and very small establishments, like the large establishments, will be able to generically approve labels as long as there are no special claims on the labels. Small entities will not be disadvantaged because the final rule will minimize the regulatory burden on all establishments. The final rule will not have a significant impact on a substantial number of label consulting firms. Since the expanded use of generically approved labels in 1995, these firms have modified their consulting services to specialize in certain policy areas, e.g., the production and labeling of organic products and animal production raising practices. Therefore, the Agency believes that the final rule will not have a significant economic impact on a substantial number of small entities (establishments and labeling consulting firms).

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule except as discussed below.

Executive Order 13175

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

USDA Nondiscrimination Statement

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, or audiotape) should contact USDA's Target Center at (202)720–2600 (voice and TTY).

To file a written complaint of discrimination, write USDA, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW., Washington, DC 20250–9410 or call (202) 720–5964 (voice and TTY). USDA is an equal opportunity provider and employer.

Additional Public Notification

FSIS will announce this final rule online through the FSIS Web page located at *http://www.fsis.usda.gov/wps/portal/fsis/topics/regulations/federal-register/interim-and-final-rules*.

FSIS will also make copies of this **Federal Register** publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail subscription service which provides automatic and customized access to selected food safety news and information. This service is available at *http://www.fsis.usda.gov/wps/portal/fsis/programs-and-services/email-subscription-service*. Options range from recalls to export information to regulations, directives and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

Paperwork Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*), the information collection requirement associated with this final rule on generic label approval has been submitted for approval to OMB.

FSIS is expanding the circumstances in which FSIS will generically approve the labels of meat and poultry products. Under this final rule, more official and foreign establishments will be able to use the generic approval of product labels. As a result, fewer sketch labels will need to be submitted and evaluated by FSIS.

This information collection, after it is approved by OMB, will be merged with 0583–0092, Marking, Labeling, and Packaging. The merged information collection will result in a net reduction of 34,971 burden hours because of the

increased use of generic labeling resulting in fewer label submissions to FSIS.

E-Government Act

FSIS and USDA are committed to achieving the purposes of the E-Government Act (44 U.S.C. 3601, *et seq.*) by, among other things, promoting the use of the Internet and other information technologies and providing increased opportunities for citizen access to Government information and services, and for other purposes.

Having proceeded with this rulemaking, the Agency is now able to accept the electronic submission of requests for the evaluation of claims or special statements, which will significantly streamline the approval process.

List of Subjects in 9 CFR Parts 317, 318, 320, 327, 331, 381, 412, and 424

Food labeling, Food packaging, Meat inspection, Poultry and poultry products, Reporting and recordkeeping requirements.

For the reasons discussed in the preamble, FSIS is amending 9 CFR Chapter III, as follows:

PART 317—LABELING, MARKING DEVICES, AND CONTAINERS

■ 1. The authority citation for part 317 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

§§ 317.4 and 317.5 [Removed and Reserved]

■ 2. Sections 317.4 and 317.5 are removed and reserved.

■ 3. In § 317.8, revise paragraph (b)(32)(ii) to read as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(32) * * *

(ii) Immediately adjacent to the calendar date there must be a phrase explaining the meaning of the date, in terms of ''packing'' date, ''sell by'' date, or ''use before'' date, with or without a further qualifying phrase, e.g., ''For Maximum Freshness'' or ''For Best Quality.''

* * * * *

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

■ 4. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 138, 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

■ 5. In § 318.4, revise paragraph (f) introductory text to read as follows:

§ 318.4 Preparation of products to be officially supervised; responsibilities of official establishments; plant operated quality control.

* * * * *

(f) *Labeling Logo.* Owners and operators of official establishments having a total plant quality control system approved under the provisions of paragraph (c) of this section may only use, as a part of any label, the following logo.

* * * * *

PART 320—RECORDS, REGISTRATION, AND REPORTS

■ 6. The authority citation for part 320 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.7, 2.18, 2.53.

■ 7. In § 320.1, revise paragraph (b)(11) to read as follows:

§ 320.1 Records required to be kept.

* * * * *

(b) * * *

(11) Records of labeling, product formulas, processing procedures, and any additional documentation needed to show that the labels are consistent with the Federal meat and poultry regulations and policies on labeling, as prescribed in § 412.1 of this chapter.

PART 327—IMPORTED PRODUCTS

■ 8. The authority citation for part 327 continues to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

■ 9. In § 327.14, revise paragraph (c) to read as follows:

§ 327.14 Marking of products and labeling of immediate containers thereof for importation.

* * * * *

(c) All marks and other labeling for use on or with immediate containers, as well as private brands on carcasses or parts of carcasses, must be approved by the Food Safety and Inspection Service in accordance with part 412 of this chapter before products bearing such marks, labeling, or brands will be entered into the United States. The marks of inspection of foreign systems embossed on metal containers or branded on carcasses or parts thereof need not be submitted to the Food Safety and Inspection Service for approval, and such marks of inspection put on stencils, box dies, labels, and brands may be used on such immediate containers as tierces, barrels, drums, boxes, crates, and large-size fiberboard containers of foreign products without such marks of inspection being submitted for approval, provided the markings made by such articles are applicable to the product and are not false or misleading.

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

■ 10. The authority citation for part 331 is revised to read as follows:

Authority: 21 U.S.C. 601–695; 7 CFR 2.17, 2.53.

■ 11. Amend § 331.3 by revising paragraphs (e) introductory text, (e)(1), and (e)(3) to read as follows:

§ 331.3 States designated under paragraph 301(c) of the Act; application of regulations.

* * * * *

(e) Sections 316.7, 317.3, and 412.1 of this chapter apply to such establishments, except as provided in this paragraph (e).

(1) The operator of each such establishment will, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use, (upon the date of inauguration of inspection) to the Front Line Supervisor of the circuit in which the establishment is located. Temporary approval, pending formal approval under §§ 316.7, 317.3, and 412.1 of this chapter, will be granted by the Front Line Supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by section 1(n) of the Act.

* * * * *

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the Front Line Supervisor (showing any modifications required by the Front Line Supervisor) to the FSIS Labeling and Program Delivery Staff,

accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the Front Line Supervisor must receive approval as required by §§ 316.7, 317.3, and 412.1 of this chapter, or their use must be discontinued.

* * * * *

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

■ 12. The authority citation for part 381 continues to read as follows:

Authority: 7 U.S.C. 138f, 450, 1901–1906; 21 U.S.C. 451–470; 7 CFR 2.18, 2.53.

■ 13. Amend § 381.129 by revising paragraphs (b)(6)(i) and (c)(2) to read as follows:

§ 381.129 False or misleading labeling or containers.

* * * * *

(b) * * *

(6)(i) A raw poultry product whose internal temperature has ever been below 26 °F may not bear a label declaration of ''fresh.'' A raw poultry product bearing a label declaration of ''fresh'' but whose internal temperature has ever been below 26 °F is mislabeled. The temperature of individual packages of raw poultry product within an official establishment may deviate below the 26 °F standard by 1 degree (i.e., have a temperature of 25 °F) and still be labeled ''fresh.'' The temperature of individual packages of raw poultry product outside an official establishment may deviate below the 26 °F standard by 2 degrees (i.e., have a temperature of 24 °F) and still be labeled ''fresh.'' The average temperature of poultry product lots of each specific product type must be 26 °F. Product described in this paragraph is not subject to the freezing procedures required in § 381.66(f)(2) of this subchapter.

* * * * *

(c) * * *

(2) Immediately adjacent to the calendar date will be a phrase explaining the meaning of such date in terms of ''packing'' date, ''sell by'' date, or ''use before'' date, with or without a further qualifying phrase, e.g., ''For Maximum Freshness'' or ''For Best Quality.''

* * * * *

§§ 381.132 and 381.133 [Removed and Reserved]

■ 14. Sections 381.132 and 381.133 are removed and reserved.

■ 15. In § 381.145, revise paragraph (f) introductory text to read as follows:

§ 381.145 Poultry products and other articles entering or at official establishments; examination and other requirements.

* * * * *

(f) *Labeling Logo.* Owners and operators of official establishments having a total plant quality control system approved under the provisions of paragraph (c) of this section may only use, as a part of any label, the following logo.

* * * * *

■ 16. In § 381.175, revise paragraph (b)(6) to read as follows:

§ 381.175 Records required to be kept.

* * * * *

(b) * * *

(6) Records of all labeling, along with the product formula, processing procedures, and any additional documentation needed to support that the labels are consistent with the Federal meat and poultry regulations and policies on labeling, as prescribed in § 412.1 of this chapter.

■ 17. In § 381.205, revise paragraph (c) to read as follows:

§ 381.205 Labeling of immediate containers of poultry products offered for entry.

* * * * *

(c) All marks and other labeling for use on or with immediate containers must be approved for use by the Food Safety and Inspection Service in accordance with part 412 of this chapter before products bearing such marks and other labeling will be permitted for entry into the United States.

■ 18. In § 381.222, revise paragraph (d) to read as follows:

§ 381.222 States designated under paragraph 5(c) of the Act; application of regulations.

* * * * *

(d) Subpart N of this part shall apply to such establishments except as provided in this paragraph (d).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the Front Line Supervisor in which the establishment is located. Temporary approval, pending formal approval under § 412.1 of this chapter, will be granted by the Front Line Supervisor for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by section 4(h) of the Act.

(2) The Front Line Supervisor will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the FSIS Labeling and Program Delivery Staff and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the Front Line Supervisor (showing any modifications required by the Front Line Supervisor) to the FSIS Labeling and Program Delivery Staff at headquarters, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the Front Line Supervisor must receive approval as required by § 412.1 or their use must be discontinued.

(4) The Front Line Supervisor will also review all shipping containers to ensure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of pressure sensitive tape of a type that cannot be removed without visible evidence of such removal, or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of the regulations must be destroyed or removed from the official establishment.

* * * * *

■ 19. Add part 412 to subchapter E to read as follows:

PART 412—LABEL APPROVAL

Sec.

412.1 Label approval.

412.2 Approval of generic labels.

Authority: 21 U.S.C. 451–470, 601–695; 7 CFR 2.18, 2.53.

§ 412.1 Label approval.

(a) No final label may be used on any product unless the label has been submitted for approval to the FSIS Labeling and Program Delivery Staff, accompanied by FSIS Form 7234–1, Application for Approval of Labels, Marking, and Devices, and approved by such staff, except for generically approved labels authorized for use in § 412.2. The management of the official establishment or establishment certified under a foreign inspection system, in accordance with parts 327 and 381, subpart T, must maintain a copy of all labels used, in accordance with parts 320 and 381, subpart Q, of this chapter. Such records must be made available to any duly authorized representative of the Secretary upon request.

(b) All labels required to be submitted for approval as set forth in paragraph (a) of this section will be submitted to the FSIS Labeling and Program Delivery Staff. A parent company for a corporation may submit only one label application for a product produced in other establishments that are owned by the corporation.

(c) The Food Safety and Inspection Service requires the submission of labeling applications for the following:

(1) Sketch labels as defined in paragraph (d) of this section for products which are produced under a religious exemption;

(2) Sketch labels for products for foreign commerce whose labels deviate from FSIS regulations, with the exception of printing labels in foreign language or printing labels that bear a statement of the quantity of contents in accordance with the usage of the country to which exported as described in § 317.7 and part 381, subpart M of this chapter.

(3) Special statements and claims as defined in paragraph (e) of this section and presented in the context of a final label.

(4) Requests for the temporary use of final labels as prescribed in paragraph (f) of this section.

(d) A ''sketch'' label is the concept of a label. It may be a printer's proof or equivalent that is sufficiently legible to clearly show all labeling features, size, and location. The Food Safety and Inspection Service will accept sketches that are hand drawn or computer generated, or other reasonable facsimiles that clearly reflect and project the final version of the label.

(e) ''Special statements and claims'' are claims, logos, trademarks, and other symbols on labels that are not defined in the Federal meat and poultry products inspection regulations or the Food Standards and Labeling Policy Book, (except for ''natural'' and negative claims (e.g., ''gluten free'')), health claims, ingredient and processing method claims (e.g., high-pressure processing), structure-function claims, claims regarding the raising of animals, organic claims, and instructional or disclaimer statements concerning pathogens (e.g., ''for cooking only'' or ''not tested for *E. coli* O157:H7''). Examples of logos and symbols include graphic representations of hearts and geographic landmarks. Special statements and claims do not include allergen statements (e.g., ''contains soy'') applied in accordance with the Food Allergen Labeling and Consumer Protection Act.

(f)(1) Temporary approval for the use of a final label that may be deemed deficient in some particular may be granted by the FSIS Labeling and Program Delivery Staff. Temporary approvals may be granted for a period not to exceed 180 calendar days, under the following conditions:

(i) The proposed label would not misrepresent the product;

(ii) The use of the label would not present any potential health, safety, or dietary problems to the consumer;

(iii) Denial of the request would create undue economic hardship; and

(iv) An unfair competitive advantage would not result from the granting of the temporary approval.

(2) Extensions of temporary approvals may also be granted by the FSIS Labeling and Program Delivery Staff provided that the applicant demonstrates that new circumstances, meeting the above criteria, have developed since the original temporary approval was granted.

§ 412.2 Approval of generic labels.

(a)(1) An official establishment, or an establishment certified under a foreign inspection system in accordance with part 327, or part 381, subpart T of this chapter, is authorized to use generically approved labels, as defined in paragraph (b) of this section, and thus is free to use such labels without submitting them to the Food Safety and Inspection Service for approval, provided the label, in accordance with this section, displays all mandatory features in a prominent manner in compliance with part 317 or part 381, and is not otherwise false or misleading in any particular.

(2) The Food Safety and Inspection Service will select samples of generically approved labels from the records maintained by official establishments and establishments certified under foreign inspection systems, in accordance with part 327 or part 381, subpart T, to determine compliance with label requirements. If the Agency finds that an establishment is using a false or misleading label, it will institute the proceedings prescribed in § 500.8 of this chapter to revoke the approval for the label.

(b) Generically approved labels are labels that bear all applicable mandatory labeling features (i.e., product name, safe handling statement, ingredients statement, the name and place of business of the manufacturer, packer or distributor, net weight, legend, safe handling instructions, and nutrition labeling) in accordance with Federal regulations. Labels that bear claims and statements that are defined in FSIS's regulations or the Food Standards and Labeling Policy Book (except for natural and negative claims), such as a statement that characterizes a product's nutrient content, such as ''low fat,'' has geographical significance, such as ''German Brand,'' or makes a country of origin statement on the label of any meat or poultry product ''covered commodity'',[1] and that comply with those regulations are also deemed to be generically approved by the Agency without being submitted for evaluation and approval. Allergen statements (e.g., ''contains soy'') applied in accordance with the Food Allergen Labeling and Consumer Protection Act are also deemed generically approved.

PART 424—PREPARATION AND PROCESSING PROCEDURES

■ 20. The authority citation for part 424 continues to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 451–470, 601–695; 7 CFR 2.18, 2.53.

■ 21. In § 424.21, revise footnote 3 in the table in paragraph (c) to read as follows:

§ 424.21 Use of food ingredients and sources of radiation.

* * * * *

(c) * * *

[3] Provided that its use is functional and suitable for the product and it is permitted for use at the lowest level necessary to accomplish the desired technical effect as determined in specific cases prior to label approval under part 412 of this chapter.

* * * * *

■ 22. In § 424.22, revise paragraph (c)(4)(i) introductory text to read as follows:

§ 424.22 Certain other permitted uses.

* * * * *

(c) * * *

(4) * * *

[1] See 9 CFR 317.8(b)(40) and 381.129(f).

(i) The labels on packages of meat food and poultry products irradiated in their entirety, in conformance with this section and with 21 CFR 179.26(a) and (b), must bear the logo shown at the end of this paragraph. Unless the word ''Irradiated'' is part of the product name, labels also must bear a statement such as ''Treated with radiation'' or ''Treated by irradiation.'' The logo must be placed in conjunction with the required statement, if the statement is used. The statement is not required to be more prominent than the declaration of ingredients required under § 317.2(c)(2) of this chapter.

* * * * *

Done in Washington, DC on: November 1, 2013.

Alfred V. Almanza,

Administrator.

[FR Doc. 2013–26639 Filed 11–6–13; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2012–0035]

16 CFR Part 1500

Revocation of Certain Requirements Pertaining to Caps Intended for Use With Toy Guns and Toy Guns Not Intended for Use With Caps

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: Section 106 of the Consumer Product Safety Improvement Act of 2008 (CPSIA) deemed the provisions of ASTM International Standard F963, ''Standard Consumer Safety Specifications for Toy Safety'' (ASTM F963), to be consumer product safety standards issued by the U.S. Consumer Product Safety Commission (CPSC, Commission, or we). Among other things, ASTM F963 contains provisions regarding sound-producing toys. Existing CPSC regulations pertaining to caps intended for use with toy guns refer to obsolete equipment, but the ASTM F963 provisions for sound-producing toys allow the use of a broader array of more precise and more readily available test equipment for sound measurement. In addition, the ASTM standard requires fewer measurements and permits use of more automated equipment that would increase the efficiency of testing. Because the existing regulations are obsolete and have been superseded by the requirements of ASTM F963, the final rule revokes the existing regulations pertaining to caps intended for use with toy guns and toy guns not intended for use with caps. The final rule is unchanged from the rule as proposed in the notice of proposed rulemaking (NPR).

DATES: The rule is effective December 9, 2013.

FOR FURTHER INFORMATION CONTACT: Richard McCallion, Office of Hazard Identification and Reduction, Consumer Product Safety Commission, 5 Research Place, Rockville, MD 20850; telephone: (301) 987–2222; email: *rmccallion@cpsc.gov*.

SUPPLEMENTARY INFORMATION:

A. Revocation of Certain Regulations Pertaining to Toy Caps and Toy Guns Not Intended for Use With Caps

On June 25, 2012, the Commission published in the **Federal Register** an NPR to revoke certain regulations pertaining to toy caps and toy guns not intended for use with caps. 77 FR 77834. The comment period for the NPR closed on August 24, 2012. The Commission received no comments on the NPR.

The regulations pertaining to caps intended for use with toys guns in 16 CFR 1500.18(a)(5), 1500.47, and 1500.86(a)(6) were originally promulgated by the U.S. Food and Drug Administration (FDA). In September 1973, the Federal Hazardous Substances Act (FHSA) and the statute's implementing regulations were transferred from the FDA to the CPSC. *See* 38 FR 27012 (September 27, 1973). One of the regulations transferred to CPSC included a ban on caps intended for use with toy guns and toy guns not intended for use with caps ''if such caps when so used or such toy guns produce impulse-type sound at a peak pressure level at or above 138 decibels. . . .'' *See* 16 CFR 1500.18(a)(5). Another regulation transferred from FDA to CPSC, 16 CFR 1500.86(a)(6), exempts toy caps that produce peak sound levels of 138 to 158 decibels if: The packaging material contains a warning regarding proper use, the manufacturer notifies CPSC, and the manufacturer participates in a program to develop toy caps that produce peak pressure levels below 138 decibels. Manufacturers participating in this program are required to provide a status report to CPSC on their progress every three months. We are revoking this exemption because there are currently no manufacturers participating in this program.

Additionally, a third transferred regulation, 16 CFR 1500.47, provides the test method for determining the sound pressure level produced by toy caps and toy guns. The method specifies the use of certain equipment, such as a microphone, preamplifier, and two types of oscilloscopes with specific response and calibration ranges. This regulation also addresses the manner in which peak sound pressure levels are measured.

Section 106 of the CPSIA mandated that the provisions of ASTM International Standard F963, ''Standard Consumer Safety Specification for Toy Safety,'' be considered consumer product safety standards issued by the Commission under section 9 of the Consumer Product Safety Act (CPSA). References to ASTM F963 in this **Federal Register** notice are to version ASTM F963–11, which became effective on June 12, 2012. Section 4.5 of ASTM F963 establishes requirements for ''sound-producing toys,'' and section 8.19 of ASTM F963 establishes ''Tests for Toys Which Produce Noise.'' In general, the ASTM F963 requirements for sound-producing toys are more stringent than 16 CFR 1500.18(a)(5) and 1500.47. For example, section 4.5.1.5 of ASTM F963 states that the peak sound pressure level of impulsive sounds produced by a toy using percussion caps or other explosive action ''shall not exceed 125'' decibels at 50 centimeters, whereas, 16 CFR 1500.18(a)(5) imposes a ban at or above 138 decibels at 25 centimeters. As another example, section 8.19.2.4 of ASTM F963 specifies a weighted scale based on human hearing damage from the type of impulse noise being generated by the toy, whereas, 16 CFR 1500.47 specifies an unweighted scale for measuring pressure level generated by impulse-type sound. Additionally, the ASTM F963 test method specifies the use of modern equipment (microphones meeting a particular specification), whereas, 16 CFR 1500.47 specifies the use of a microphone, a preamplifier (if required), and an oscilloscope. The equipment specifications in 16 CFR 1500.47 have never been updated.

Therefore, because section 106 of the CPSIA mandates the provisions of ASTM F963 to be consumer product safety standards, and because we believe that the provisions of ASTM F963, with respect to caps intended for use with toy guns, are more stringent than 16 CFR 1500.18(a)(5), the final rule revokes 16 CFR 1500.18(a)(5). Similarly, because ASTM F963 establishes a test method for toys that produce sound, and because our existing regulation refers to obsolete or unnecessary test equipment, the final rule revokes 16 CFR 1500.47. Finally, because the final rule revokes 16 CFR 1500.18(a)(5), we are also revoking the exemptions from

the requirements of 16 CFR 1500.18(a)(5) contained in 16 CFR 1500.86(a)(6). The final rule is unchanged from the NPR.

B. Paperwork Reduction Act

The final rule does not impose any information collection requirements. Accordingly, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501–3520.

C. Regulatory Flexibility Act

The Commission certified under the Regulatory Flexibility Act (5 U.S.C. 601–612) that the proposed rule would not have a significant economic impact on a substantial number of small entities because the rule would revoke outdated regulatory requirements. We have received no information to change that certification.

D. Environmental Considerations

This rule falls within the scope of the Commission's environmental review regulation at 16 CFR 1021.5(c)(1), which provides a categorical exclusion from any requirement for the agency to prepare an environmental assessment or an environmental impact statement for rules that revoke product safety standards.

E. Executive Order 12988

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations. The preemptive effect of regulations such as this final rule is stated in section 18 of the FHSA. 15 U.S.C. 1261n.

F. Effective Date

The Commission proposed that the rule revoking 16 CFR 1500.18(a)(5), 1500.47, and 1500.86(a)(6) become effective 30 days after publication of the final rule in the **Federal Register**. We received no comments on the effective date. Therefore, the final rule will become effective 30 days after publication in the **Federal Register**.

List of Subjects in 16 CFR Part 1500

Consumer protection, Hazardous substances, Imports, Infants and children, Labeling, Law enforcement, Reporting and recordkeeping requirements, Toys.

For the reasons stated in the preamble, and under the authority of 15 U.S.C. 1261–1262 and 5 U.S.C. 553, the Consumer Product Safety Commission amends 16 CFR part 1500 as follows:

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

■ 1. The authority citation for 16 CFR part 1500 continues to read as follows:

Authority: 15 U.S.C. 1261–1278.

§ 1500.18 [Amended]

■ 2. Section 1500.18 is amended by removing and reserving paragraph (a)(5).

§ 1500.47 [Removed]

■ 3. Section 1500.47 is removed.

§ 1500.86 [Amended]

■ 4. Section 1500.86 is amended by removing and reserving paragraph (a)(6).

Dated: November 1, 2013.

Todd A. Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2013–26618 Filed 11–6–13; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1240

[Docket No. FDA–2013–N–0639]

Turtles Intrastate and Interstate Requirements; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Direct final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of December 9, 2013, for the final rule that appeared in the **Federal Register** of July 25, 2013. The direct final rule amends the regulations regarding the prohibition on the sale, or other commercial or public distribution, of viable turtle eggs and live turtles with a carapace length of less than 4 inches to remove procedures for destruction. This document confirms the effective date of the direct final rule.

DATES: The December 9, 2013, effective date for the final rule published July 25, 2013 (78 FR 44878), corrected October 25, 2013 (78 FR 63872), is confirmed.

FOR FURTHER INFORMATION CONTACT: Dillard Woody, Center for Veterinary Medicine (HFV–231), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9237, email: *dillard.woody@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 25, 2013 (78 FR 44878 at 44879), FDA solicited comments concerning the direct final rule for a 75-day period ending October 8, 2013. The document published with an incorrect effective date of ''January 16, 2014.'' In the **Federal Register** of October 25, 2013 (78 FR 63872), the effective date was corrected to read ''December 9, 2013,'' 135 days after publication in the **Federal Register**, unless any significant adverse comment was submitted to FDA during the comment period. FDA did not receive any significant adverse comments.

Authority: 42 U.S.C. 216, 243, 264, 271. Accordingly, the amendments issued thereby are effective.

Dated: November 4, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–26734 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–01–P

AGENCY FOR INTERNATIONAL DEVELOPMENT

22 CFR Part 230

Israel Loan Guarantees Issued Under the Emergency Wartime Supplemental Appropriations Act of 2003—Standard Terms and Conditions

AGENCY: Agency for International Development (USAID).

ACTION: Final rule.

SUMMARY: This regulation prescribes the revised procedures and revised standard terms and conditions applicable to loan guarantees issued for the benefit of the Government of Israel on behalf of the State of Israel. Pursuant to the Emergency Wartime Supplemental Appropriations Act of 2003, the United States of America, acting through the U.S. Agency for International Development, may issue loan guarantees applicable to sums borrowed by the Government of Israel on behalf of the State of Israel (the ''Borrower''). The loan guarantees were originally issued pursuant to a Loan Guarantee Commitment Agreement between the Borrower and the United States Government dated August 18, 2003 and applied to sums borrowed from time to time between March 1, 2003 and September 30, 2006. Pursuant to an Amended and Restated Loan Guarantee Commitment Agreement dated October 24, 2012, the loan guarantees will now apply to sums borrowed from time to time between March 1, 2003 and September 30, 2016.

DATES: *Effective Date:* November 7, 2013.

FOR FURTHER INFORMATION CONTACT: Lauren Boccardi, Office of General Counsel, U.S. Agency for International Development, Washington, DC 20523–6601; tel. 202–712–4318, fax 202–216–3055.

SUPPLEMENTARY INFORMATION: Pursuant to the Emergency Wartime Supplemental Appropriations Act of 2003, Public Law 108–11, as amended by Section 534(p) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005; Division D of the Consolidated Appropriations Act, 2005, Public Law 108–447; Section 13(b) of the Department of State Authorities Act, 2006, Public Law 109–472; and Section 5(b) of the United States-Israel Enhanced Security Cooperation Act of 2012, Public Law 112–150, the United States of America, acting through the U.S. Agency for International Development, may issue loan guarantees applicable to sums borrowed by the Government of Israel on behalf of the State of Israel (the ''Borrower''). The loan guarantees were originally issued pursuant to a Loan Guarantee Commitment Agreement between the Borrower and the United States Government dated August 18, 2003 and applied to sums borrowed from time to time between March 1, 2003 and September 30, 2006. Pursuant to an Amended and Restated Loan Guarantee Commitment Agreement dated October 24, 2012, the loan guarantees will now apply to sums borrowed from time to time between March 1, 2003 and September 30, 2016, but still not exceeding an aggregate total of nine billion United States Dollars ($9,000,000,000) in principal amount. The loan guarantees shall insure the Borrower's repayment of 100% of principal and interest due under such loans. The full faith and credit of the United States of America is pledged for the full payment and performance of such guarantee obligations.

This rulemaking document is not subject to rulemaking under 5 U.S.C. 553 or to regulatory review under Executive Order 12866 because it involves a foreign affairs function of the United States. The provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) do not apply.

List of Subjects in 22 CFR Part 230

Foreign aid, Foreign relations, Guaranteed loans, Loan programs-foreign relations.

Authority and Issuance

Accordingly, Part 230 of Title 22, Chapter II, of the Code of Federal Regulations, is revised to read as follows:

PART 230—ISRAEL LOAN GUARANTEES ISSUED UNDER THE EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT OF 2003, PUB. L. 108–11—STANDARD TERMS AND CONDITIONS

Sec.

Authority: Emergency Wartime Supplemental Appropriations Act, 2003, Pub. L. 108–11, as amended by Section 534(p) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005; Division D of the Consolidated Appropriations Act, 2005, Pub. L. 108–447; Section 13(b) of the Department of State Authorities Act, 2006, Pub. L. 109–472; and Section 5(b) of the United States-Israel Enhanced Security Cooperation Act of 2012, Pub. L. 112–150.

§ 230.01 Purpose.

The purpose of this regulation is to prescribe the procedures and standard terms and conditions applicable to loan guarantees issued for the benefit of the Government of Israel on behalf of the State of Israel (''Borrower''), pursuant to the Emergency Wartime Supplemental Appropriations Act of 2003, Public Law 108–11, as amended by Section 534(p) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005; Division D of the Consolidated Appropriations Act, 2005, Public Law 108–447; Section 13(b) of the Department of State Authorities Act, 2006, Public Law 109–472; and Section 5(b) of the United States-Israel Enhanced Security Cooperation Act of 2012, Public Law 112–150. The loan guarantees will apply to sums borrowed from time to time between March 1, 2003 and September 30, 2016, not exceeding an aggregate total of nine billion United States Dollars ($9,000,000,000) in principal amount. The loan guarantees shall insure the Borrower's repayment of 100% of principal and interest due under such loans. The full faith and credit of the United States of America is pledged for the full payment and performance of such guarantee obligations. The loan guarantees will be issued pursuant to an Amended and Restated Loan Guarantee Commitment Agreement between the Borrower and the United States Government dated October 24, 2012.

§ 230.02 Definitions.

Wherever used in these standard terms and conditions:

Applicant means a Noteholder who files an Application for Compensation with USAID, either directly or through the Fiscal Agent acting on behalf of a Noteholder.

Application for Compensation means an executed application in the form of Appendix A to this part which a Noteholder, or the Fiscal Agent on behalf of a Noteholder, files with USAID pursuant to § 230.08 of this part.

Borrower means the Government of Israel, on behalf of the State of Israel.

Business Day means any day other than a day on which banks in New York, NY are closed or authorized to be closed or a day which is observed as a federal holiday in Washington, DC, by the United States Government.

Date of Application means the date on which an Application for Compensation is actually received by USAID pursuant to § 230.15 of this part.

Defaulted Payment means, as of any date and in respect of any Eligible Note, any Interest Amount and/or Principal Amount not paid when due.

Eligible Note(s) means [a] Note[s] meeting the eligibility criteria set out in § 230.04 hereof.

Fiscal Agency Agreement means the agreement among USAID, the Borrower and the Fiscal Agent pursuant to which the Fiscal Agent agrees to provide fiscal agency services in respect of the Note[s], a copy of which Fiscal Agency Agreement shall be made available to Noteholders upon request to the Fiscal Agent.

Fiscal Agent means the bank or trust company or its duly appointed successor under the Fiscal Agency Agreement which has been appointed by the Borrower with the consent of USAID to perform certain fiscal agency services for specified Eligible Note[s] pursuant to the terms of the Fiscal Agency Agreement.

Further Guaranteed Payments means the amount of any loss suffered by a

Noteholder by reason of the Borrower's failure to comply on a timely basis with any obligation it may have under an Eligible Note to indemnify and hold harmless a Noteholder from taxes or governmental charges or any expense arising out of taxes or any other governmental charges relating to the Eligible Note in the country of the Borrower.

Guarantee means the guarantee of USAID pursuant to this part 230 and the Emergency Wartime Supplemental Appropriations Act of 2003, Public Law 108–11, as amended by Section 534(p) of the Foreign Operations, Export Financing and Related Programs Appropriations Act, 2005; Division D of the Consolidated Appropriations Act, 2005, Public Law 108–447; Section 13(b) of the Department of State Authorities Act, 2006, Public Law 109–472; and Section 5(b) of the United States-Israel Enhanced Security Cooperation Act of 2012, Public Law 112–150.

Guarantee Payment Date means a Business Day not more than three (3) Business Days after the related Date of Application.

Interest Amount means for any Eligible Note the amount of interest accrued on the Principal Amount of such Eligible Note at the applicable Interest Rate.

Interest Rate means the interest rate borne by an Eligible Note.

Loss of Investment respecting any Eligible Note means an amount in Dollars equal to the total of the:

(1) Defaulted Payment unpaid as of the Date of Application,

(2) Further Guaranteed Payments unpaid as of the Date of Application, and

(3) Interest accrued and unpaid at the Interest Rate(s) specified in the Eligible Note(s) on the Defaulted Payment and Further Guaranteed Payments, in each case from the date of default with respect to such payment to and including the date on which full payment thereof is made to the Noteholder.

Noteholder means the owner of an Eligible Note who is registered as such on the Note Register of Eligible Notes required to be maintained by the Fiscal Agent.

Note[s] means any debt securities issued by the Borrower.

Person means any legal person, including any individual, corporation, partnership, joint venture, association, joint stock company, trust, unincorporated organization, or government or any agency or political subdivision thereof.

Principal Amount means the principal amount of any Eligible Notes issued by the Borrower. For purposes of determining the principal amount of any Eligible Notes issued by the Borrower, the principal amount of each Eligible Note shall be:

(1) In the case of any Eligible Note issued having a notional amount, but no principal balance, the original issue price (excluding any transaction costs) thereof; and

(2) In the case of any Eligible Note issued with a principal balance, the stated principal amount thereof.

USAID means the United States Agency for International Development or its successor.

§ 230.03 The Guarantee.

Subject to these terms and conditions, the United States of America, acting through USAID, guarantees to Noteholders the Borrower's repayment of 100 percent of principal and interest due on Eligible Notes. Under this Guarantee, USAID agrees to pay to any Noteholder compensation in Dollars equal to such Noteholder's Loss of Investment under its Eligible Note; provided, however, that no such payment shall be made to any Noteholder for any such loss arising out of fraud or misrepresentation for which such Noteholder is responsible or of which it had knowledge at the time it became such Noteholder. This Guarantee shall apply to each Eligible Note registered on the Note Register required to be maintained by the Fiscal Agent.

§ 230.04 Guarantee eligibility.

(a) Eligible Notes only are guaranteed hereunder. Notes in order to achieve Eligible Note status:

(1) Must be signed on behalf of the Borrower, manually or in facsimile, by a duly authorized representative of the Borrower;

(2) Must contain a certificate of authentication manually executed by a Fiscal Agent whose appointment by the Borrower is consented to by USAID in the Fiscal Agency Agreement; and

(3) Shall be approved and authenticated by USAID by either:

(i) The affixing by USAID on the Notes of a guarantee legend incorporating these Standard Terms and Conditions signed on behalf of USAID by either a manual signature or a facsimile signature of an authorized representative of USAID or

(ii) The delivery by USAID to the Fiscal Agent of a guarantee certificate incorporating these Standard Terms and Conditions signed on behalf of USAID by either a manual signature or a facsimile signature of an authorized representative of USAID.

(b) The authorized USAID representatives for purposes of this regulation whose signature(s) shall be binding on USAID shall include the USAID Chief and Deputy Chief Financial Officer, Assistant Administrator and Deputy, Bureau for Economic Growth, Agriculture and Trade, Director and Deputy Director, Office of Development Credit, and such other individual(s) designated in a certificate executed by an authorized USAID Representative and delivered to the Fiscal Agent. The certificate of authentication of the Fiscal Agent issued pursuant to the Fiscal Agency Agreement shall, when manually executed by the Fiscal Agent, be conclusive evidence binding on USAID that an Eligible Note has been duly executed on behalf of the Borrower and delivered.

§ 230.05 Non-impairment of the Guarantee.

The full faith and credit of the United States of America is pledged to the performance of this Guarantee. The Guarantee shall be unconditional, and shall not be affected or impaired by:

(a) Any defect in the authorization, execution, delivery or enforceability of any agreement or other document executed by a Noteholder, USAID, the Fiscal Agent or the Borrower in connection with the transactions contemplated by this Guarantee or

(b) The suspension or termination of the program pursuant to which USAID is authorized to guarantee the Eligible Notes. This non-impairment of the guarantee provision shall not, however, be operative with respect to any loss arising out of fraud or misrepresentation for which the claiming Noteholder is responsible or of which it had knowledge at the time it became a Noteholder.

§ 230.06 Transferability of Guarantee; Note Register.

A Noteholder may assign, transfer or pledge an Eligible Note to any Person. Any such assignment, transfer or pledge shall be effective on the date that the name of the new Noteholder is entered on the Note Register required to be maintained by the Fiscal Agent pursuant to the Fiscal Agency Agreement. USAID shall be entitled to treat the Persons in whose names the Eligible Notes are registered as the owners thereof for all purposes of this Guarantee and USAID shall not be affected by notice to the contrary.

§ 230.07 Fiscal Agent obligations.

Failure of the Fiscal Agent to perform any of its obligations pursuant to the

Fiscal Agency Agreement shall not impair any Noteholder's rights under this Guarantee, but may be the subject of action for damages against the Fiscal Agent by USAID as a result of such failure or neglect. A Noteholder may appoint the Fiscal Agent to make demand for payment on its behalf under this Guarantee.

§ 230.08 Event of Default; Application for Compensation; payment.

At any time after an Event of Default, as this term is defined in an Eligible Note, any Noteholder hereunder, or the Fiscal Agent on behalf of a Noteholder hereunder, may file with USAID an Application for Compensation in the form provided in Appendix A to this part. USAID shall pay or cause to be paid to any such Applicant any compensation specified in such Application for Compensation that is due to the Applicant pursuant to the Guarantee as a Loss of Investment not later than three (3) Business Days after the Date of Application. In the event that USAID receives any other notice of an Event of Default, USAID may pay any compensation that is due to any Noteholder pursuant to a Guarantee, whether or not such Noteholder has filed with USAID an Application for Compensation in respect of such amount.

§ 230.09 No acceleration of Eligible Notes.

Eligible Notes shall not be subject to acceleration, in whole or in part, by USAID, the Noteholder or any other party. USAID shall not have the right to pay any amounts in respect of the Eligible Notes other than in accordance with the original payment terms of such Eligible Notes.

§ 230.10 Payment to USAID of excess amounts received by a Noteholder.

If a Noteholder shall, as a result of USAID paying compensation under this Guarantee, receive an excess payment, it shall refund the excess to USAID.

§ 230.11 Subrogation of USAID.

In the event of payment by USAID to a Noteholder under this Guarantee, USAID shall be subrogated to the extent of such payment to all of the rights of such Noteholder against the Borrower under the related Note.

§ 230.12 Prosecution of claims.

After payment by USAID to an Applicant hereunder, USAID shall have exclusive power to prosecute all claims related to rights to receive payments under the Eligible Notes to which it is thereby subrogated. If a Noteholder continues to have an interest in the outstanding Eligible Notes, such a Noteholder and USAID shall consult with each other with respect to their respective interests in such Eligible Notes and the manner of and responsibility for prosecuting claims.

§ 230.13 Change in agreements.

No Noteholder will consent to any change or waiver of any provision of any document contemplated by this Guarantee without the prior written consent of USAID.

§ 230.14 Arbitration.

Any controversy or claim between USAID and any noteholder arising out of this Guarantee shall be settled by arbitration to be held in Washington, DC in accordance with the then prevailing rules of the American Arbitration Association, and judgment on the award rendered by the arbitrators may be entered in any court of competent jurisdiction.

§ 230.15 Notice.

Any communication to USAID pursuant to this Guarantee shall be in writing in the English language, shall refer to the Israel Loan Guarantee Number inscribed on the Eligible Note and shall be complete on the day it shall be actually received by USAID at the Office of Development Credit, Bureau for Economic Growth, Agriculture and Trade, United States Agency for International Development, Washington, DC 20523–0030. Other addresses may be substituted for the above upon the giving of notice of such substitution to each Noteholder by first class mail at the address set forth in the Note Register.

§ 230.16 Governing law.

This Guarantee shall be governed by and construed in accordance with the laws of the United States of America governing contracts and commercial transactions of the United States Government.

Appendix A to Part 230—Application for Compensation

United States Agency for International Development Washington, DC 20523

Ref: Guarantee dated as of _____, 20 ____:

Gentlemen: You are hereby advised that payment of $__ (consisting of $__ of principal, $__ of interest and $__ in Further Guaranteed Payments, as defined in § 230.02(f) of the Standard Terms and Conditions of the above-mentioned Guarantee) was due on _____, 20____, on $__ principal amount of Notes held by the undersigned of the Government of Israel, on behalf of the State of Israel (the ''Borrower''). Of such amount $__ was not received on such date and has not been received by the undersigned at the date hereof. In accordance with the terms and provisions of the above-mentioned Guarantee, the undersigned hereby applies, under § 230.08 of said Guarantee, for payment of $__, representing $__, the Principal Amount of the presently outstanding Note(s) of the Borrower held by the undersigned that was due and payable on _____ and that remains unpaid, and $__, the Interest Amount on such Note(s) that was due and payable by the Borrower on _____ and that remains unpaid, and $__ in Further Guaranteed Payments,[1] plus accrued and unpaid interest thereon from the date of default with respect to such payments to and including the date payment in full is made by you pursuant to said Guarantee, at the rate of __% per annum, being the rate for such interest accrual specified in such Note. Such payment is to be made at [state payment instructions of Noteholder].

[1] In the event the Application for Compensation relates to Further Guaranteed Payments, such Application must also contain a statement of the nature and circumstances of the related loss.

All capitalized terms herein that are not otherwise defined shall have the meanings assigned to such terms in the Standard Terms and Conditions of the above-mentioned Guarantee.

[Name of Applicant]

By: _____

Name:

Title:

Dated:

Dated: October 31, 2013.

Mark Hyland,

Attorney Advisor, Office of the General Counsel, U.S. Agency for International Development.

[FR Doc. 2013–26676 Filed 11–6–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket No. USCG–2013–0872]

Special Local Regulation; Southern California Annual Marine Events for the San Diego Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Notice of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 during the San Diego Fall Classic, held on November 10, 2013. This event occurs on Mission Bay in San Diego, CA. These special local regulations are necessary to provide for the safety of the participants, crew,

spectators, sponsor vessels of the race, and general users of the waterway. During the enforcement period, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 7:30 a.m. to 11 a.m. on November 10, 2013.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, call or email Petty Officer Bryan Gollogly, Waterways Management, U.S. Coast Guard Sector San Diego, CA; telephone (619) 278–7656, email *D11-PF-MarineEventsSanDiego@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the special local regulations in 33 CFR 100.1101 in support of the San Diego Fall Classic (Item 1 on Table 1 of 33 CFR 100.1101). The Coast Guard will enforce the special local regulations on the waters of Mission Bay to include South Pacific Passage, Fiesta Bay, and the waters around Vacation Isle on November 10, 2013 from 7:30 a.m. to 11 a.m. The San Diego Rowing Club will set up the course the morning of the event.

Under the provisions of 33 CFR 100.1101, persons and vessels are prohibited from entering into, transiting through, or anchoring within this regulated area unless authorized by the Captain of the Port, or his designated representative. The Coast Guard may be assisted by other Federal, State, or local law enforcement agencies in enforcing this regulation.

This notice is issued under authority of 5 U.S.C. 552(a) and 33 CFR 100.1101. In addition to this notice in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of this enforcement period via the Local Notice to Mariners and local advertising by the event sponsor.

If the Captain of the Port Sector San Diego or his designated representative determines that the regulated area need not be enforced for the full duration stated on this notice, he or she may use a Broadcast Notice to Mariners or other communications coordinated by the event sponsor to grant general permission to enter the regulated area.

Dated: October 21, 2013.

J.A. Janszen,

Commander, U.S. Coast Guard, Acting, Captain of the Port San Diego.

[FR Doc. 2013–26393 Filed 11–6–13; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2011–0597; FRL–9902–00–Region 5]

Approval and Promulgation of Air Quality Implementation Plans; Ohio; Redesignation of the Columbus Area to Attainment of the 1997 Annual Standard for Fine Particulate Matter

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking several actions under the Clean Air Act (CAA) affecting the Columbus area and the state of Ohio for the 1997 annual fine particulate matter ($PM_{2.5}$) National Ambient Air Quality Standard (NAAQS or standard). EPA is determining that the Columbus, Ohio area (Columbus area) is attaining the 1997 annual $PM_{2.5}$ standard based on quality assured, state-certified monitoring data for all $PM_{2.5}$ monitoring sites in this area during the period of 2007–2012. EPA is granting a request from the state of Ohio for the redesignation of the Columbus area to attainment of the 1997 annual $PM_{2.5}$ standard. EPA is approving, as a revision of the Ohio State Implementation Plan (SIP), the state's plan for maintaining the 1997 annual $PM_{2.5}$ standard in the Columbus area through 2023, the state's 2015 and 2022 Nitrogen Oxides (NO_X) and $PM_{2.5}$ Motor Vehicle Emission Budgets (MVEBs) for the Columbus area (which EPA is also finding to be adequate for transportation conformity determinations), and 2005 NO_X, Sulfur Dioxide (SO_2), and primary $PM_{2.5}$ and 2007 Volatile Organic Compound (VOC) and ammonia emission inventories for the Columbus area. The Columbus area includes Coshocton (Franklin Township only), Delaware, Licking, Fairfield, and Franklin Counties.

DATES: This final rule is effective November 7, 2013.

ADDRESSES: EPA has established a docket for this action: Docket ID No. EPA–R05–OAR–2011–0597. All documents in the docket are listed on the *www.regulations.gov* Web site. Although listed in the index, some information is not publicly available, i.e., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hardcopy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hardcopy at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Edward Doty, Environmental Scientist, at (312) 886–6057, before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Edward Doty, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6057, *Doty.Edward@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for the actions?

On July 18, 1997 (62 FR 38652), EPA promulgated an annual $PM_{2.5}$ standard at a level of 15 micrograms per cubic meter ($\mu g/m^3$) of ambient air, based on the three-year average of the annual mean $PM_{2.5}$ concentrations at any monitor (1997 annual $PM_{2.5}$ standard). On January 5, 2005 (70 FR 944), EPA published area designations for the 1997 annual $PM_{2.5}$ standard based on the air quality data for the period of 2001–2003. In that rulemaking, EPA designated the Columbus area as nonattainment for this standard.

On September 14, 2011 (76 FR 56641), EPA made a determination that the Columbus area had attained the 1997 annual $PM_{2.5}$ standard by the applicable attainment date. This determination of attainment was based on quality-assured annual-averaged $PM_{2.5}$ concentrations for the $PM_{2.5}$ monitoring sites in the Columbus area for the periods of 2007–2009 and 2008–2010. Based on our review of $PM_{2.5}$ monitoring data from 2010–2012, we have determined that the Columbus area continues to attain the 1997 annual $PM_{2.5}$ standard.

On June 3, 2011, the Ohio Environmental Protection Agency (OEPA) submitted a request for EPA to grant the redesignation of the Columbus area to attainment of the 1997 annual $PM_{2.5}$ standard and for EPA approval of a SIP revision containing $PM_{2.5}$-related

2005 emission inventories (for NO_X, SO_2, and primary $PM_{2.5}$) and a $PM_{2.5}$ maintenance plan for the Columbus area. The maintenance plan includes 2015 and 2022 MVEBs for the Columbus area. In a supplemental submission to the EPA on April 30, 2013, the OEPA submitted 2007 VOC and ammonia emission inventories for the Columbus area to supplement the 2005 emission inventories.

On August 26, 2013 (78 FR 52733), EPA issued a notice of rulemaking proposing to grant Ohio's request to redesignate the Columbus area to attainment of the 1997 annual $PM_{2.5}$ standard. This notice of rulemaking also proposed: To determine that the Columbus area is attaining the 1997 annual $PM_{2.5}$ standard based on $PM_{2.5}$ monitoring data for the period of 2008–2012; to approve Ohio's $PM_{2.5}$ maintenance plan for the Columbus area; to approve the 2005 NO_X, SO_2, and primary $PM_{2.5}$ and 2007 VOC and ammonia emission inventories for the Columbus area; and to approve the 2022 primary $PM_{2.5}$ and NO_X MVEBs for the Columbus area.

The primary background for today's actions is contained in EPA's August 26, 2013, proposal to approve Ohio's $PM_{2.5}$ redesignation request and in EPA's September 14, 2011, final determination that the Columbus area has attained the 1997 annual $PM_{2.5}$ standard. In particular, the August 26, 2013, proposed rulemaking provides a detailed discussion of how Ohio's $PM_{2.5}$ redesignation request and maintenance plan meet CAA requirements for redesignation of the Columbus area to attainment of the 1997 annual $PM_{2.5}$ standard.

II. What is EPA's response to comments on EPA's proposed actions?

EPA received two comment letters and an email supporting EPA's proposed actions. No adverse comments were received for the proposed actions.

III. What actions is EPA taking?

EPA is making a determination that the Columbus area is currently attaining the 1997 annual $PM_{2.5}$ standard based on $PM_{2.5}$ monitoring data for the period of 2007–2012. EPA is determining that the Columbus area and the State of Ohio have met the requirements for redesignation of the Columbus area to attainment for the 1997 annual $PM_{2.5}$ standard under sections 107(d)(3)(E) and 175A of the CAA. EPA is, thus, granting the request from Ohio to change the legal designation of the Columbus area from nonattainment to attainment for the 1997 annual $PM_{2.5}$ NAAQS. EPA is approving Ohio's $PM_{2.5}$ maintenance plan for the Columbus area as a revision to the Ohio SIP because the plan meets the requirements of section 175A of the CAA. EPA is approving 2005 emission inventories for primary $PM_{2.5}$, NO_X, and SO_2 and 2007 emission inventories for VOC and ammonia for the Columbus area as satisfying the requirement in section 172(c)(3) of the CAA for a comprehensive, current emission inventory. Finally, EPA finds adequate and is approving 2015 and 2022 primary $PM_{2.5}$ and NO_X MVEBs for the Columbus. These MVEBs will be used for future transportation conformity analyses for the Columbus area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3) which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for this $PM_{2.5}$ nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by State law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law and the CAA. For that reason, these actions:

- Are not ''significant regulatory actions'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- do not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- are certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- do not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- do not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- are not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- are not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- are not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and,
- do not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 6, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Particulate matter, Sulfur dioxide, Ammonia, Volatile organic compounds.

40 CFR Part 81

Air pollution control, Environmental protection, National parks, Wilderness areas.

Dated: October 17, 2013.

Susan Hedman,

Regional Administrator, Region 5.

40 CFR Parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 2. Section 52.1880 is amended by adding paragraphs (p)(9) and (q)(9) to read as follows:

§ 52.1880 Control strategy: Particulate matter.

* * * * *

(p) * * *

(9) Approval—The 1997 annual $PM_{2.5}$ maintenance plan for the Columbus, Ohio nonattainment area (including Coshocton, Delaware, Licking, Fairfield, and Franklin Counties) has been approved as submitted on June 3, 2011. The maintenance plan establishes 2015 and 2022 motor vehicle emissions budgets for this area of 25,084.11 tons per year for NO_X and 873.46 tons per year for primary $PM_{2.5}$ in 2015 and 12,187.50 tons per year for NO_X and 559.13 tons per year for primary $PM_{2.5}$ in 2022.

(q) * * *

(9) Ohio's 2005 NO_X, primary $PM_{2.5}$, and SO_2 emissions inventories as, as submitted on June 3, 2011, and 2007 VOC and ammonia emission inventories, as submitted on April 30, 2013, satisfy the emission inventory requirements of section 172(c)(3) of the Clean Air Act for the Columbus area.

* * * * *

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

■ 3. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

■ 4. Section 81.336 is amended by revising the entry for Columbus, OH in the table entitled ''Ohio—$PM_{2.5}$ (Annual NAAQS)'' to read as follows:

§ 81.336 Ohio.

* * * * *

OHIO—$PM_{2.5}$ (ANNUAL NAAQS)

Designated area	Designation [a]	
	Date [1]	Type
* * * * * * *		
Columbus, OH	11/7/13	
Coshocton County (part) Franklin Township		Attainment.
Delaware County		Attainment.
Fairfield County		Attainment.
Franklin County		Attainment.
Licking County.		
* * * * * * *		

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] This date is 90 days after January 5, 2005, unless otherwise noted.

* * * * *

[FR Doc. 2013–25385 Filed 11–6–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 372

[EPA–HQ–TRI–2012–0111; FRL–9902–12–OEI]

RIN 2025–AA35

Addition of ortho-Nitrotoluene; Community Right-to-Know Toxic Chemical Release Reporting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is adding *ortho*-nitrotoluene (*o*-nitrotoluene) to the list of toxic chemicals subject to reporting under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and section 6607 of the Pollution Prevention Act (PPA) of 1990. *o*-Nitrotoluene has been classified by the National Toxicology Program in its 12th Report on Carcinogens as ''reasonably anticipated to be a human carcinogen.'' EPA has determined that *o*-nitrotoluene meets the EPCRA section 313(d)(2)(B) criteria because it can reasonably be anticipated to cause cancer in humans.

DATES: This final rule is effective November 29, 2013, and shall apply for the reporting year beginning January 1, 2014 (reports due July 1, 2015).

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–HQ–TRI–2012–0111. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the OEI Docket, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

FOR FURTHER INFORMATION CONTACT: Daniel R. Bushman, Environmental Analysis Division, Office of Information Analysis and Access (2842T), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–566–0743; fax number: 202–566–0677; email: *bushman.daniel@epa.gov*, for specific information on this notice. For general information on EPCRA section 313, contact the Emergency Planning and Community Right-to-Know Hotline, toll free at (800) 424–9346 (select menu option 3) or (703) 412–9810 in Virginia and Alaska or toll free, TDD (800) 553–7672, *http://www.epa.gov/superfund/contacts/infocenter*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this notice apply to me?

You may be potentially affected by this action if you manufacture, process, or otherwise use *o*-nitrotoluene. Potentially affected categories and entities may include, but are not limited to:

Category	Examples of potentially affected entities
Industry	Facilities included in the following NAICS manufacturing codes (corresponding to SIC codes 20 through 39): 311*, 312*, 313*, 314*, 315*, 316, 321, 322, 323*, 324, 325*, 326*, 327, 331, 332, 333, 334*, 335*, 336, 337*, 339*, 111998*, 211112*, 212324*, 212325*, 212393*, 212399*, 488390*, 511110, 511120, 511130, 511140*, 511191, 511199, 512220, 512230*, 519130*, 541712*, or 811490*. *Exceptions and/or limitations exist for these NAICS codes. Facilities included in the following NAICS codes (corresponding to SIC codes other than SIC codes 20 through 39): 212111, 212112, 212113 (correspond to SIC 12, Coal Mining (except 1241)); or 212221, 212222, 212231, 212234, 212299 (correspond to SIC 10, Metal Mining (except 1011, 1081, and 1094)); or 221111, 221112, 221113, 221119, 221121, 221122, 221330 (Limited to facilities that combust coal and/or oil for the purpose of generating power for distribution in commerce) (correspond to SIC 4911, 4931, and 4939, Electric Utilities); or 424690, 425110, 425120 (Limited to facilities previously classified in SIC 5169, Chemicals and Allied Products, Not Elsewhere Classified); or 424710 (corresponds to SIC 5171, Petroleum Bulk Terminals and Plants); or 562112 (Limited to facilities primarily engaged in solvent recovery services on a contract or fee basis (previously classified under SIC 7389, Business Services, NEC)); or 562211, 562212, 562213, 562219, 562920 (Limited to facilities regulated under the Resource Conservation and Recovery Act, subtitle C, 42 U.S.C. 6921 et seq.) (correspond to SIC 4953, Refuse Systems).
Federal Government	Federal facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Some of the entities listed in the table have exemptions and/or limitations regarding coverage, and other types of entities not listed in the table could also be affected. To determine whether your facility would be affected by this action, you should carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

II. Introduction

A. What is the statutory authority for this final rule?

This rule is issued under EPCRA section 313(d) and section 328, 42 U.S.C. 11023 *et seq.* EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

B. What is the background for this action?

Section 313 of EPCRA, 42 U.S.C. 11023, requires certain facilities that manufacture, process, or otherwise use listed toxic chemicals in amounts above reporting threshold levels to report their environmental releases and other waste management quantities of such chemicals annually. These facilities must also report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the PPA, 42 U.S.C. 13106. Congress established an initial list of toxic chemicals that

comprised more than 300 chemicals and 20 chemical categories.

EPCRA section 313(d) authorizes EPA to add or delete chemicals from the list and sets criteria for these actions. EPCRA section 313(d)(2) states that EPA may add a chemical to the list if any of the listing criteria in Section 313(d)(2) are met. Therefore, to add a chemical, EPA must demonstrate that at least one criterion is met, but need not determine whether any other criterion is met. Conversely, to remove a chemical from the list, EPCRA section 313(d)(3) dictates that EPA must demonstrate that none of the listing criteria in Section 313(d)(2)(A)–(C) are met. The EPCRA section 313(d)(2)(A)–(C) criteria are:

- The chemical is known to cause or can reasonably be anticipated to cause significant adverse acute human health effects at concentration levels that are reasonably likely to exist beyond facility site boundaries as a result of continuous, or frequently recurring, releases.
- The chemical is known to cause or can reasonably be anticipated to cause in humans:
  - cancer or teratogenic effects, or
  - serious or irreversible–
    - reproductive dysfunctions,
    - neurological disorders,
    - heritable genetic mutations, or
    - other chronic health effects.
- The chemical is known to cause or can be reasonably anticipated to cause, because of:
  - its toxicity,
  - its toxicity and persistence in the environment, or
  - its toxicity and tendency to bioaccumulate in the environment, a significant adverse effect on the environment of sufficient seriousness, in the judgment of the Administrator, to warrant reporting under this section.

EPA often refers to the section 313(d)(2)(A) criterion as the ''acute human health effects criterion;'' the section 313(d)(2)(B) criterion as the ''chronic human health effects criterion;'' and the section 313(d)(2)(C) criterion as the ''environmental effects criterion.''

EPA published in the **Federal Register** of November 30, 1994 (59 FR 61432), a statement clarifying its interpretation of the section 313(d)(2) and (d)(3) criteria for modifying the section 313 list of toxic chemicals.

III. Summary of Proposed Rule

A. What chemical did EPA propose to add to the EPCRA section 313 list of toxic chemicals?

As discussed in the proposed rule (78 FR 15913, March 13, 2013) EPA proposed to add *o*-nitrotoluene to the EPCRA section 313 list of toxic chemicals. *o*-Nitrotoluene had been classified as ''Reasonably Anticipated To Be Human Carcinogen'' by the National Toxicology Program (NTP) in its 12th Report on Carcinogens (RoC) document. In addition, based on a review of the available production and use information, EPA determined that o-nitrotoluene is expected to be manufactured, processed, or otherwise used in quantities that would exceed the EPCRA section 313 reporting thresholds. The NTP is an interagency program within the Department of Health and Human Services (DHHS) headquartered at the National Institute of Environmental Health Sciences (NIEHS) of the National Institutes of Health (NIH). As part of the NTP's cancer evaluation work, it periodically publishes the RoC document which contains cancer classifications from the NTP's most recent chemical evaluations as well as the classifications from previous versions of the RoC. There is an extensive review process for the RoC which includes evaluations by scientists from the NTP, other Federal health research and regulatory agencies (including EPA), and nongovernmental institutions. The RoC review process also includes external peer review and several opportunities for public comment.

B. What was EPA's rationale for proposing to list o-nitrotoluene?

As EPA stated in the proposed rule (78 FR 15913, March 13, 2013), the NTP RoC document undergoes significant scientific review and public comment and mirrors the review EPA has historically done to assess chemicals for listing under EPCRA section 313 on the basis of carcinogenicity. The conclusions regarding the potential for chemicals in the NTP RoC to cause cancer in humans are based on established sound scientific principles. EPA believes that the NTP RoC is an excellent and reliable source of information on the potential for chemicals covered therein to cause cancer in humans. Based on EPA's review of the data contained in the 12th NTP RoC (Reference (Ref. 1)) for *o*-nitrotoluene, the Agency agreed that *o*-nitrotoluene can reasonably be anticipated to cause cancer. Therefore, EPA determined that the evidence was sufficient for listing *o*-nitrotoluene on the EPCRA section 313 toxic chemical list pursuant to EPCRA section 313(d)(2)(B) based on the available carcinogenicity data for *o*-nitrotoluene as presented in the 12th RoC (Ref. 2).

IV. What comments did EPA receive on the proposed rule?

EPA did not receive any comments on the proposed rule to add *o*-nitrotoluene to the EPCRA section 313 list of toxic chemicals.

V. Summary of Final Rule

EPA is finalizing the addition of *o*-nitrotoluene to the EPCRA section 313 list of toxic chemicals. EPA has determined that *o*-nitrotoluene meets the listing criteria under EPCRA section 313(d)(2)(B) based on the available carcinogenicity data.

VI. References

EPA has established an official public docket for this action under Docket ID No. EPA–HQ–TRI–2012–0111. The public docket includes information considered by EPA in developing this action, including the documents listed below, which are electronically or physically located in the docket. In addition, interested parties should consult documents that are referenced in the documents that EPA has placed in the docket, regardless of whether these referenced documents are electronically or physically located in the docket. For assistance in locating documents that are referenced in documents that EPA has placed in the docket, but that are not electronically or physically located in the docket, please consult the person listed in the above **FOR FURTHER INFORMATION CONTACT** section.

1. USEPA, OEI. Memorandum from Martin Gehlhaus, Toxicologist, Analytical Support Branch to Larry Reisman, Chief, Analytical Support Branch. June 30, 2011. Subject: Review of National Toxicology Program (NTP) Cancer Classification Data for o-nitrotoluene.
2. NTP, 2011. National Toxicology Program. Report on Carcinogens, Twelfth Edition. Released June 10, 2011. U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, Research Triangle Park, NC 27709.
3. USEPA, OEI. Economic Analysis of the Proposed Rule to add *ortho*-Nitrotoluene to the EPCRA Section 313 List of Toxic Chemicals. February 9, 2012.

VIII. What are the Statutory and Executive Order reviews associated with this action?

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993) and is therefore not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

B. Paperwork Reduction Act

This final rule does not contain any new information collection requirements that require additional approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 et. seq. Currently, the facilities subject to the reporting requirements under EPCRA 313 and PPA 6607 may use either the EPA Toxic Chemicals Release Inventory Form R (EPA Form 1B9350–1), or the EPA Toxic Chemicals Release Inventory Form A (EPA Form 1B9350–2). The Form R must be completed if a facility manufactures, processes, or otherwise uses any listed chemical above threshold quantities and meets certain other criteria. For the Form A, EPA established an alternative threshold for facilities with low annual reportable amounts of a listed toxic chemical. A facility that meets the appropriate reporting thresholds, but estimates that the total annual reportable amount of the chemical does not exceed 500 pounds per year, can take advantage of an alternative manufacture, process, or otherwise use threshold of 1 million pounds per year of the chemical, provided that certain conditions are met, and submit the Form A instead of the Form R. In addition, respondents may designate the specific chemical identity of a substance as a trade secret pursuant to EPCRA section 322 42 U.S.C. 11042: 40 CFR part 350.

OMB has approved the reporting and recordkeeping requirements related to Forms A and R, supplier notification, and petitions under OMB Control number 2025–0009 (EPA Information Collection Request (ICR) No. 1363) and those related to trade secret designations under OMB Control 2050–0078 (EPA ICR No. 1428). As provided in 5 CFR 1320.5(b) and 1320.6(a), an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers relevant to EPA's regulations are listed in 40 CFR part 9, 48 CFR chapter 15, and displayed on the information collection instruments (e.g., forms, instructions).

For the 17 Form Rs and 5 Form As expected to be filed, EPA estimates the industry reporting and recordkeeping burden for collecting this information to average, in the first year, approximately $3,461 per form (for a total first year cost of $76,143 based on 1,506 total burden hours). In subsequent years, the burden for collecting this information is estimated to average approximately $1,648 per form (for a total cost of $36,252 based on 717 total burden hours). These estimates include the time needed to become familiar with the requirement (first year only); review instructions; search existing data sources; gather and maintain the data needed; complete and review the collection information; and transmit or otherwise disclose the information. The actual burden on any facility may be different from these estimates depending on whether they file a Form R or Form A, the complexity of the facility's operations and the profile of the releases at the facility. Upon promulgation of a final rule, the Agency may determine that the existing burden estimates in the ICRs need to be amended in order to account for an increase in burden associated with the final action. If so, the Agency will submit an information collection worksheet (ICW) to OMB requesting that the total burden in each ICR be amended, as appropriate.

C. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions. For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A business that is classified as a ''small business'' by the Small Business Administration at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today's rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. Of the 22 entities estimated to be impacted by this rule, 6 are small businesses. Of the affected small businesses, all 6 have cost-to-revenue impacts of less than 1% in both the first and subsequent years of the rulemaking. No small businesses are projected to have a cost impact in the first year of 1% or greater. Facilities eligible to use Form A (those meeting the appropriate activity threshold which have 500 pounds per year or less of reportable amounts of the chemical) will have a lower burden. No small governments or small organizations are expected to be affected by this action. Thus this rule is not expected to have a significant adverse economic impact on a substantial number of small entities. A more detailed analysis of the impacts on small entities is located in EPA's economic analysis support document (Ref. 3).

D. Unfunded Mandates Reform Act

This rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. EPA's economic analysis indicates that the total cost of this rule is estimated to be $76,143 in the first year of reporting. Thus, this rule is not subject to the requirements of sections 202 or 205 of UMRA

This rule is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. Small governments are not subject to the EPCRA section 313 reporting requirements.

E. Executive Order 13132 (Federalism)

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13132 does not apply to this action.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). This action relates to toxic chemical reporting under EPCRA section 313, which primarily affects private sector facilities. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes Federal executive policy on environmental justice. Its main provision directs Federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This rule adds an additional chemical to the EPCRA section 313 reporting requirements. By adding a chemical to the list of toxic chemicals subject to reporting under section 313 of EPCRA, EPA would be providing communities across the United States (including minority populations and low income populations) with access to data which they may use to seek lower exposures and consequently reductions in chemical risks for themselves and their children. This information can also be used by government agencies and others to identify potential problems, set priorities, and take appropriate steps to reduce any potential risks to human health and the environment. Therefore, the informational benefits of the rule will have a positive impact on the human health and environmental impacts of minority populations, low-income populations, and children.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective November 29, 2013.

List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: October 29, 2013.

Gina McCarthy,

Administrator.

Therefore, 40 CFR part 372 is amended as follows:

PART 372—TOXIC CHEMICAL RELEASE REPORTING: COMMUNITY RIGHT-TO-KNOW

■ 1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

■ 2. In § 372.65, paragraph (a) is amended by adding in the table the entry for ''o-Nitrotoluene'' in alphabetical order and in paragraph (b) by adding in the table the entry for ''00088–72–2'' in numerical order to read as follows:

§ 372.65 Chemicals and chemical categories to which this part applies.

* * * * *

(a) * * *

Chemical name	CAS No.	Effective date
* *	* *	*
o-Nitrotoluene	00088–72–2	1/1/14
* *	* *	*

(b) * * *

Chemical name	CAS No.	Effective date
* *	* *	*
o-Nitrotoluene	00088–72–2	1/1/14
* *	* *	*

[FR Doc. 2013–26475 Filed 11–5–13; 4:15 pm]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 433

State Fiscal Administration

CFR Correction

■ In Title 42 of the Code of Federal Regulations, Parts 430 to 481, revised as of October 1, 2012, on page 98, in § 433.50, paragraphs (a)(1)(i) and (a)(1)(ii) are removed.

[FR Doc. 2013–26781 Filed 11–6–13; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 206

[Docket ID FEMA–2010–0035]

RIN 1660–AA68

Housing Assistance Due to Structural Damage

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Under the authority of section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), the Federal Emergency Management Agency (FEMA) provides financial assistance to individuals and households to repair or replace their homes after a Presidentially-declared major disaster or emergency. This rule finalizes revisions to FEMA's repair, replacement, and housing construction assistance regulations that clarify the eligibility criteria for assistance and implement changes to section 408 of the Stafford Act that were made by the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA).

DATES: This rule is effective December 9, 2013.

FOR FURTHER INFORMATION CONTACT: John Carleton, FEMA, Individual Assistance Division, 500 C Street SW., Washington, DC 20472–3100, (phone) 202–212–1000, (facsimile) (202) 212–1005, or (email) *FEMA-IA-Regulations@fema.dhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) provides the Federal Emergency Management Agency (FEMA) with the authority to administer the Individuals and Households program (IHP). *See* 42 U.S.C. 5174. Through the IHP, FEMA provides financial and/or direct assistance to help survivors recover from Presidentially-declared emergencies and major disasters. This help may be in the form of housing assistance as well as assistance to meet ''other needs'' such as medical, dental, funeral, and personal property.

Specifically, FEMA provides the following types of housing assistance:

Temporary Housing: Financial assistance is available to rent a different place to live for a limited period of time. When rental properties are not available, FEMA may provide direct assistance in the form of a temporary housing unit.

Housing Repair: Financial assistance is available to homeowners to repair disaster damage to their primary residence. Assistance is only available to repair damage that is not covered by insurance. The goal is to make the damaged home safe, sanitary, and functional.

Housing Replacement: Financial assistance is available to homeowners to replace their primary residence if it was destroyed in the disaster. Assistance is only available for damage that is not covered by insurance.

Permanent and Semi-Permanent Housing Construction: In exceptional circumstances, FEMA is authorized to provide permanent and semi-permanent housing construction. If FEMA exercises its discretion to offer this form of disaster assistance, FEMA may provide financial assistance for the construction of a home, or may construct the new permanent or semi-permanent housing unit for an individual or household. This type of assistance is currently provided only in insular areas or locations specified by FEMA where no other type of housing assistance is available, feasible, or cost-effective. Assistance is provided only for damage that is not covered by insurance.

The regulations establishing the types of IHP assistance available, the eligibility requirements for assistance, and the procedures for obtaining assistance are in 44 CFR part 206, subparts D and F.

On September 30, 2002, FEMA published an interim rule in the **Federal Register,** which revised its regulations implementing the IHP. *See* 67 FR 61446. FEMA published a correction to the interim rule on October 9, 2002. *See* 67 FR 62896. Among other things, the interim rule established the housing repair, replacement, and construction eligibility regulations in 44 CFR 206.117. These regulations are currently in effect, with minor amendments. *See* 74 FR 15328 (Apr. 3, 2009).

On July 30, 2012, FEMA published a notice of proposed rulemaking (NPRM), which addressed the public comments received on the 2002 interim rule related to housing repair and replacement. *See* 77 FR 44562. In addition, the NPRM proposed revisions intended to clarify and improve FEMA's eligibility requirements for housing repair assistance as well as implement and codify PKEMRA legislative changes made after the interim rule was published.

II. Summary of the Proposed Rule

In the NPRM, FEMA proposed four separate sets of changes. First, FEMA proposed revisions to the interim rule to respond to public comments received on the 2002 interim rule. Second, FEMA proposed changes that were intended to restate the existing requirements more clearly and in greater detail, without substantively changing the underlying requirements. Third, consistent with statutory amendments in the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA), FEMA proposed removing the housing repair and replacement subcaps. Finally, also consistent with statutory amendments in PKEMRA, FEMA proposed adding the term ''semi-permanent'' and removing the term ''remote'' with respect to the eligibility requirements for housing construction pursuant to PKEMRA.

This final rule codifies the above changes as discussed in the NPRM. For additional background information on these proposed changes, please refer to the NPRM.

III. Discussion of Comments Received on the Notice of Proposed Rulemaking

FEMA received two written comments in response to the NPRM. The first commenter stated that FEMA's regulations should be clearer. The commenter expressed that FEMA must be able to make things as clear as possible for disaster survivors.

The second commenter raised four separate points in its comment. First, the commenter noted that since FEMA was no longer applying the housing repair and replacement subcaps and allowing applicants to have the maximum IHP award for housing assistance, there would be no additional money available to award for Other Needs Assistance (ONA). The commenter asked whether an additional amount, such as $3,000, can be available

to applicants for ONA. FEMA understands the commenter's concern; however, FEMA does not have the authority to award an additional amount ($3,000) for ONA above and beyond the statutorily established program limit.

Second, the commenter thanked FEMA for clarifying the IHP housing repair assistance eligibility requirements and stated that the proposed changes will help to simplify the process for IHP assistance.

Third, the commenter noted that under proposed § 206.117(b)(3)(i)(C) and (E), FEMA proposed that to be eligible for housing replacement assistance, the residence must have been destroyed, and repair must be either infeasible, insufficient to ensure the safety or health of the occupant, or insufficient to make the residence functional. The commenter suggested that FEMA include an exception to this rule, so that if the cost to repair exceeds the cost to rebuild, the applicant should be granted replacement assistance even if FEMA did not deem all parts of the dwelling's structure destroyed.

FEMA's Individual and Households Program records and verifies disaster-related damages based on a FEMA home inspection. Based on the home inspection, FEMA makes a determination regarding the amount of damage that a dwelling has sustained. If the dwelling is deemed destroyed, then the applicant could receive replacement assistance up to the maximum grant amount. If the dwelling sustained significant damage and is determined to be repairable, then the applicant could still receive up to the maximum grant amount to repair the dwelling. FEMA notes that the distinction between repair and replacement assistance has no effect on the maximum amount of assistance that FEMA can award a disaster survivor. The maximum IHP grant amount that a disaster survivor may receive in fiscal year 2014 is $32,400 per declared event (78 FR 64523, Oct. 29, 2013).

In the scenario suggested by the commenter, where the cost to repair exceeds the cost to rebuild, an (uninsured) applicant would most likely be receiving a maximum award regardless. Thus the distinction between repair and replacement assistance would have no effect on the cost effectiveness. Moreover, if a disaster survivor determines that they want to rebuild their dwelling rather than repair, the disaster survivor is allowed to use their repair assistance towards replacing their dwelling.

The last point by the second commenter suggested that FEMA add a requirement in the final rule to do a cost-benefit analysis to determine the type of housing that would be the most cost effective and mindful of taxpayer dollars; for example, if the costs of building a community site for temporary housing units (THUs) exceeds the costs of semi-permanent housing construction, then semi-permanent housing should be utilized. FEMA is statutorily required under Section 408(b)(2)(A) of the Stafford Act to determine the appropriate types of housing assistance ''based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors . . .''; a requirement in the final rule is therefore not necessary. *See* 42 U.S.C. 5174. FEMA currently has a process for evaluating the appropriate type of housing based on a number of factors, one of which is the cost effectiveness of the housing option. In addition, FEMA weighs housing options based on the geographical area affected by the disaster, the delivery speed of housing options, the availability of housing resources in the affected area, and various other considerations.

IV. Records Management

The Regulation Identifier Number (RIN) listed in the September 30, 2002 interim rule and the correction to the interim rule was 3067–AD25. When FEMA became a component of the Department of Homeland Security (DHS) in 2003, FEMA's RINs were renumbered, and 3067–AD25 became 1660–AA18.

The Docket ID for 1660–AA18 is FEMA–2008–0005. All of 1660–AA18's public submissions, supporting and related documents, and rules are posted to Docket ID FEMA–2008–0005. The public comments that addressed housing repair assistance, the subject of this rulemaking, have also been posted to Docket ID FEMA–2010–0035.

V. Regulatory Analysis

A. Executive Order 12866, Regulatory Planning and Review and Executive Order 13563, Improving Regulation and Regulatory Review

FEMA has prepared and reviewed this rule consistent with Executive Order 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993) as supplemented by Executive Order 13563, *Improving Regulation and Regulatory Review (76 FR 3821, Jan. 18, 2011).* This final rule is not a significant regulatory action, and therefore has not been reviewed by the Office of Management and Budget (OMB).

This final rule provides clarification with respect to the eligibility for housing repair assistance, without adding new requirements, as well as implements changes to section 408 of the Stafford Act made by PKEMRA. *See* 42 U.S.C. 5174. This rule does not impose any additional burden on the public or change the total amount of assistance available to individuals and households since this rule merely codifies FEMA practice since 2006.

The changes resulting from PKEMRA (a) revise the regulations to align with PKEMRA's removal of the housing repair and replacement subcaps; (b) remove the limitation that housing construction assistance be provided only in a ''remote'' area, if the location is not otherwise insular (outside the continental United States); and (c) incorporate FEMA's new authority to provide assistance for the construction of ''semi-permanent'' housing.

When the current regulations were written, the Disaster Mitigation Act of 2000 prohibited FEMA from providing more than $5,000 (adjusted annually to reflect changes in the Consumer Price Index (CPI)) for repair assistance, and more than $10,000 (adjusted annually to reflect changes in the CPI) for replacement assistance. These subcaps prevented applicants from spending other available IHP assistance (in fiscal year 2014, the overall cap on financial assistance is $32,400 per declared event (78 FR 64523, Oct. 29, 2013)) on housing repair or replacement. The change in PKEMRA was self-implementing and immediately went into effect. FEMA is no longer required to apply subcaps and has not applied them since PKEMRA became law in 2006. This rule change is intended to revise the regulations to conform to the statutory change and FEMA's current practice. It does not change the eligibility criteria and does not reduce the total amount of assistance available to individuals and households. This rule does not have an economic impact because it merely codifies FEMA current practice.

This rule also removes the term ''remote'' from 44 CFR 206.117(b)(3) to implement new authority to provide housing construction assistance in areas within the continental United States where alternative housing resources are not available, infeasible, or not cost effective. The 2002 interim rule limited this type of assistance to only locations that are insular or remote. This rule change implements PKEMRA by providing housing construction assistance to disaster survivors in areas where alternative housing resources are not feasible. This rule change provides more flexibility for FEMA to meet the housing needs for disaster survivors,

although it is expected that FEMA will only rarely exercise this authority. This is because alternative housing resources, such as rental units, manufactured housing, recreational vehicles, other readily fabricated dwellings, or FEMA-provided temporary housing units, typically are available within the continental United States. This change is not expected to have a significant economic impact or to negatively affect the eligibility criteria for assistance. Any economic impact from this rule change would be an increase in Federal financial assistance provided to individuals and households to provide housing in those extremely rare cases where alternative housing resources are unavailable, infeasible, or not cost effective. There would be no increased burden imposed on the public from this proposed change. There is no economic impact to this change because this rule merely codifies FEMA current practice since 2006.

This rule also adds ''semi-permanent'' to the types of housing that could be constructed. This type of housing would have a life expectancy of more than 5 years, but less than 25 years. While FEMA already provides temporary and permanent housing, by implementing this new authority, FEMA would have greater flexibility to meet the needs of a particular community, where the construction of a type of housing other than a long-term permanent structure may be more appropriate. Although this rule change is likely to provide more flexibility for FEMA to meet the housing needs for disaster survivors, it is not expected that FEMA will regularly exercise this authority. This proposed rule change would implement PKEMRA by giving FEMA more options in providing housing assistance to disaster survivors. It would not reduce the number of individuals or households eligible for housing assistance and would not affect eligibility requirements. There is no economic impact to this proposed change because this proposed rule merely codifies current FEMA practice.

B. Paperwork Reduction Act of 1995

FEMA determined that this proposed rule will not create a new collection of information or create a revision to an existing collection of information under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501–3520. All information submitted by applicants seeking IHP housing assistance, including information submitted on appeal, is included in Office of Management and Budget (OMB) approved collections.

The following collections related to IHP have been approved by OMB under the following titles and control numbers: ''Disaster Assistance Registration,'' OMB control number 1660–0002, expiration date July 31, 2015 and ''Federal Assistance to Individuals and Households Program (IHP),'' OMB control number 1660–0061, expiration date October 31, 2014. There would be no additional paperwork burden as a result of the changes proposed in this rule.

C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FEMA must consider the impact of this proposed regulation on small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. This final rule clarifies the eligibility criteria for housing repair, replacement, and construction assistance to individuals and households. It will not have an economic impact on small entities because it merely codifies FEMA current practice since PKEMRA became law in 2006. FEMA certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities.

D. Privacy Act

The Privacy Act of 1974, 5 U.S.C. 552a, establishes a code of fair information practices that governs the collection, maintenance, use, and dissemination of personally identifiable information about individuals that is maintained in systems of records by Federal agencies. A system of records is a group of records under the control of an agency from which information is retrieved by the name of the individual or by some identifier assigned to the individual. FEMA, in partnership with other Federal agencies, hosts a single application and resource center at *http://www.disasterassistance.gov* that allows the public to apply for disaster assistance, benefits, and other services within FEMA and other Federal agencies. This application and resource center contains personally identifiable information about IHP applicants seeking housing repair, replacement, or construction assistance. The application resource center is included in a Privacy Act System of Records entitled ''Disaster Recovery Assistance Files'' number ''DHS/FEMA–008'' which published on April 30, 2013 in the **Federal Register** at 78 FR 25282. This proposed rule would not change the application materials received or result in a new collection of personally identifiable information about individuals.

E. National Environmental Policy Act

Under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.,* an agency must prepare an environmental assessment and environmental impact statement for any rulemaking that significantly affects the quality of the human environment. FEMA has determined that this rulemaking does not significantly affect the quality of the human environment and consequently has not prepared an environmental assessment or environmental impact statement. Most activities under section 408 and prior to section 411 of the Stafford Act pertaining to temporary housing and financial assistance are categorically excluded from NEPA review under 44 CFR 10.8(d)(2)(xix)(D) and (F). Before undertaking other activities that are not categorically excluded (*e.g.,* placement of manufactured temporary housing units on FEMA-constructed group sites; permanent or semi-permanent housing construction), FEMA follows the procedures set forth in 44 CFR part 10 to assure NEPA compliance.

F. Executive Order 13132, Federalism

Executive Order 13132, Federalism, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. *See* Executive Order 13132, 64 FR 43255, Aug. 10, 1999. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action. The disaster assistance addressed by this proposed rule is provided to individuals and households, and would not have federalism implications.

G. Executive Orders 11988 and 11990, Floodplain Management and Protection of Wetlands

Under Executive Order 11988, Floodplain Management, as amended, Federal agencies are required to ''provide leadership to reduce the risk of

flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains.'' *See* Executive Order 11988, as amended, 42 FR 26951, May 25, 1977, 44 FR 43239, July 20, 1979. Under Executive Order 11990, Protection of Wetlands, Federal agencies are required to ''provide leadership and . . . take action to minimize the destruction, loss or degradation of wetlands, and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities.'' *See* Executive Order 11990, as amended, 42 FR 26961, May 25, 1977, 52 FR 34617, Sept. 14, 1987. The requirements of these Executive Orders apply in the context of the provision of Federal financial assistance relating to, among other things, construction and property improvement activities, as well as conducting Federal programs affecting land use. The changes proposed in this rule would not have an effect on land use, floodplain management or wetlands. When FEMA undertakes specific actions that may have such effects (*e.g.,* placement of manufactured temporary housing units on FEMA-constructed group sites; permanent or semi-permanent housing construction), FEMA follows the procedures set forth in 44 CFR part 9 to assure compliance with these Executive Orders.

H. Executive Order 13045, Protection of Children From Environmental Health Risk and Safety Risks

FEMA has analyzed this final rule under Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks, 62 FR 19883, Apr. 23, 1997. This rule is not an economically significant rule and would not create an environmental risk to health or safety that might disproportionately affect children.

I. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1501 *et seq.,* pertains to any proposed rulemaking which implements any rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. The Act also applies to any regulatory requirements that might significantly or uniquely affect small governments. FEMA has determined that this proposed rule would not result in the expenditure by State, local and Tribal governments, in the aggregate, nor by the private sector, of $100,000,000 or more in any one year as a result of a Federal mandate, nor would it significantly or uniquely affect small governments.

J. Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, FEMA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by the Tribal government, or FEMA consults with those governments. *See* Executive Order 13175, 65 FR 67249, Nov. 9, 2000. This final rule would not significantly or uniquely affect the communities of Indian Tribal governments, nor would this proposed rulemaking impose substantial direct compliance costs on those communities.

K. Executive Order 12898, Environmental Justice

Under Executive Order 12898, Environmental Justice, each Federal agency must conduct its programs, policies, and activities that substantially affect human health or the environment in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in, denying persons the benefit of, or subjecting persons to discrimination because of their race, color, or national origin. *See* Executive Order 12898, 59 FR 7629, Feb. 16, 1994. FEMA has incorporated environmental justice into its policies and programs.

The housing repair, replacement and construction assistance regulations intentionally contain provisions that ensure they would not have a disproportionately high and adverse human health effect on any segment of the population. This rulemaking clarifies the eligibility requirements for assistance, and in doing so, maintains focus on the functionality of the component being repaired or replaced, and does not consider income or home value. Section 408 of the Stafford Act requires that such assistance be granted only for damage caused by a disaster event. Non-disaster related damage is not eligible for assistance under the Stafford Act. To ensure that this limitation will not be improperly exclusive, this final rule clarifies that components being repaired or residences being replaced need not be in full working order before the event to qualify for assistance. Components or residences that were fully or partially functional immediately before the declared event, despite their need for maintenance, may be eligible for repair assistance if they ceased to function as a result of the disaster.

FEMA received a comment on the 2002 interim rule, identified by Regulation Identifier Number (RIN) 1660–AA18, that stated the interim rule did not overtly discriminate against disaster survivors based on race, color, or national origin, but that it did discriminate covertly against those who are financially challenged, and, to the extent that the financially challenged consist disproportionately of minority groups, one might conclude that an element of the IHP program lacks environmental justice. The commenter stated that the housing repair cap of $5,000 has a gross negative impact on low-income disaster survivors, and results in more low-income disaster survivors returning to unsafe, unsanitary, and/or non-functional homes. The commenter recommended the liberal use of replacement assistance to provide additional help for the financially challenged.

FEMA addressed this comment in the notice of proposed rulemaking (NPRM) that published in the **Federal Register,** on July 30, 2012. *See* 77 FR 44562. The $5,000 subcap is no longer in effect, and individuals and households may use up to the full amount of IHP funds ($32,400 for fiscal year 2014) for eligible repair and replacement assistance. *See* 78 FR 64523 (Oct. 29, 2013). This figure is adjusted annually to reflect changes in the Consumer Price Index (CPI).

No action that FEMA can anticipate under this final rule would have a disproportionately high and adverse human health effect on any segment of the population. In addition, the rulemaking would not impose substantial direct compliance costs on those communities.

L. Executive Order 12988, Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. *See* Executive Order 12988, 61 FR 4729, Feb. 7, 1996.

M. Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights

FEMA has reviewed this rule under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, as supplemented by Executive Order 13406, Protecting the Property Rights of the American People. *See* Executive Order 12630, 53 FR 8859, Mar. 18, 1988 and Executive Order 13406, 71 FR 36973, June 28, 2006. This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Coastal zone, Community facilities, Disaster assistance, Fire prevention, Grant programs—housing and community development, Housing, Insurance, Intergovernmental relations, Loan programs—housing and community development, Natural resources, Penalties, and Reporting and recordkeeping requirements.

For the reasons stated in the preamble, the Federal Emergency Management Agency amends 44 CFR part 206 as follows:

PART 206—FEDERAL DISASTER ASSISTANCE

■ 1. The authority citation for part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5207; Homeland Security Act of 2002, 6 U.S.C. 101 et seq.; Department of Homeland Security Delegation 9001.1; sec. 1105, Pub. L. 113–2, 127 Stat. 43 (42 U.S.C. 5189a note).

■ 2. Amend § 206.117 by revising paragraphs (a) and (b)(2) through (4) and removing paragraph (c).

The revisions read as follows:

§ 206.117 Housing assistance.

(a) *Definitions.* The definitions in this paragraph apply to this section only.

''*Caused by the disaster''* means as a direct result of a peril identified in the **Federal Register** Notice of a Presidentially-declared major disaster or emergency, the component is no longer functional.

''*Real Property Component'' or ''Component*'' means each individual part of a dwelling that makes it habitable, as enumerated in paragraph (b)(2)(ii) of this section.

''*Semi-Permanent Housing*'' means housing designed and constructed with finishes, material, and systems selected for moderate (or better) energy efficiency, maintenance, and life cycle cost, and with a life expectancy of more than 5 years but less than 25 years.

(b) * * *

(2) *Repairs.* (i) FEMA may provide financial assistance for the repair of real property components in an owner's primary residence if:

(A) The eligibility criteria in § 206.113 are met;

(B) The component was functional immediately before the declared event;

(C) The component was damaged, and the damage was caused by the disaster;

(D) The damage to the component is not covered by insurance; and

(E) Repair of the component is necessary to ensure the safety or health of the occupant or to make the residence functional.

(ii) FEMA may provide financial assistance for the repair of:

(A) Structural components of the residence. This includes real property components, such as the foundation, exterior walls, and roof.

(B) Windows and doors.

(C) The Heating, Ventilation and Air Conditioning system.

(D) Utility systems. This includes electrical, gas, water and sewage systems.

(E) Interior components. This includes, but is not limited to, the structure's floors, walls, ceilings, and cabinetry.

(F) The structure's access and egress, including privately owned access roads and privately owned bridges.

(G) Blocking, leveling, and anchoring of a mobile home, and reconnecting or resetting mobile home sewer, water, electrical and fuel lines and tanks.

(H) Items or services determined to be eligible hazard mitigation measures that reduce the likelihood of future damage to the residence, utilities, or infrastructure.

(iii) The components that may be deemed eligible for repair assistance, and the type of repairs authorized, will vary depending upon the nature of the disaster. Repairs are limited to restoration of the dwelling to a safe and sanitary living or functioning condition. Repair assistance will only be provided to the extent that the work makes the component functional. FEMA may provide for the replacement of components if repair is not feasible. The repairs of components must be of average quality, size, and capacity, taking into consideration the needs of the occupant.

(iv) Components that were functional immediately before the declared event may be eligible for repair assistance if the damage to the component was caused by the disaster and the component is no longer functional.

(v) Eligible individuals or households may receive up to the maximum amount of assistance (*See* § 206.110(b) of this part) to repair damages to their primary residence irrespective of other financial resources, except insurance proceeds.

(vi) The individual or household is responsible for obtaining all local permits or inspections that applicable State or local building codes may require.

(vii) If the applicant disputes a determination made by FEMA regarding eligibility for repair assistance, the applicant may appeal that determination pursuant to the procedures in § 206.115 of this part. In addition to the requirements in § 206.115, the applicant must provide proof that the component meets the requirements of paragraph (b)(2)(i) of this section, including that the component was functional before the declared event and proof that the declared event caused the component to stop functioning. If the applicant disputes the amount of repair assistance awarded, the applicant must also provide justification for the amount sought.

(3) *Housing replacement.* (i) FEMA may provide financial assistance for the replacement of an owner's primary residence if:

(A) The eligibility criteria in § 206.113 of this part are met;

(B) The residence was functional immediately before the disaster;

(C) The residence was destroyed, and the damage was caused by, the disaster;

(D) The damage to the residence is not covered by insurance;

(E) Repair is not feasible, will not ensure the safety or health of the occupant, or will not make the residence functional; and

(F) Replacement is necessary to ensure the safety or health of the occupant.

(ii) All replacement assistance awards must be approved by the Regional Administrator or his/her designee. If replacement assistance is granted, the applicant may either use the maximum amount of assistance (*See* § 206.110(b) of this part) to replace the dwelling in its entirety, or may use the assistance toward the cost of acquiring a new permanent residence.

(iii) Housing replacement assistance will be based on the verified disaster-related level of damage to the dwelling, or the statutory maximum (*See* § 206.110(b) of this part), whichever is less.

(iv) If the applicant disputes a determination made by FEMA regarding

eligibility for replacement assistance, the applicant may appeal that determination pursuant to the procedures in § 206.115 of this part. In addition to the requirements in § 206.115, the applicant must provide proof that repair is not feasible, or will not ensure the safety or health of the occupant or make the residence functional. If the applicant disputes the amount of replacement assistance awarded, the applicant must also provide justification for the amount sought.

(4) *Permanent and semi-permanent housing construction.* (i) FEMA may provide financial or direct assistance to applicants for the purpose of constructing permanent and semi-permanent housing if:

(A) The eligibility criteria in § 206.113 of this part are met;

(B) The residence was functional immediately before the declared event;

(C) The residence was damaged by the event;

(D) The damage to the residence is not covered by insurance;

(E) The residence was an owner-occupied primary residence; and

(F) The residence is located in an insular area outside the continental United States or in another location where alternative housing resources are not available and the types of financial or direct temporary housing assistance described in paragraphs (b)(1), (2), and (3) of this section are unavailable, infeasible, or not cost-effective.

(ii) Permanent and semi-permanent housing construction, in general, must be consistent with current minimal local building codes and standards where they exist, or minimal acceptable construction industry standards in the area, including reasonable hazard mitigation measures, and Federal environmental laws and regulations. Dwellings will be of average quality, size and capacity, taking into consideration the needs of the occupant.

(iii) If the applicant disputes a determination made by FEMA regarding eligibility for construction assistance, the applicant may appeal that determination pursuant to the procedures in § 206.115 of this part. In addition to the requirements in § 206.115, the applicant must provide proof that the property is either located in an insular area outside the continental United States, or in a location where alternative housing resources are not available. The applicant must also provide proof that the types of financial or direct temporary housing assistance described in paragraph (b)(1) of this section are unavailable, infeasible, or not cost effective. If the applicant disputes the amount of construction assistance awarded, the applicant must also provide justification for the amount sought.

Dated: October 30, 2013.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2013–26739 Filed 11–6–13; 8:45 am]

BILLING CODE 9111–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121009528–2729–02]

RIN 0648–XC932

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of Maine is transferring a portion of its 2013 commercial summer flounder quota to the State of Connecticut. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved.

DATES: Effective November 6, 2013, through December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, 978–281–9224.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

Maine has agreed to transfer 5,400 lb (2,449 kg) of its 2013 commercial quota to Connecticut. This transfer was prompted by the diligent efforts of state officials in Connecticut not to exceed the commercial summer flounder quota. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met. The revised summer flounder commercial quotas for calendar year 2013 are: Maine, 41 lb (19 kg); and Connecticut, 263,605 lb (119,569 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 1, 2013.

James P. Burgess,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–26769 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 216
Thursday, November 7, 2013

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[NRC–2012–0246]

RIN 3150–AJ20

Waste Confidence—Continued Storage of Spent Nuclear Fuel

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On September 13, 2013, the U. S. Nuclear Regulatory Commission (NRC) published for public comment a proposed rule revising its generic determination on the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. The public comment period for this proposed rule was to have ended on November 27, 2013. Due to the lapse in Federal funding and the subsequent shutdown of the NRC, and requests from members of the public to extend the comment period, the NRC has decided to extend the comment period until December 20, 2013. Although public meetings are not required for rulemaking, the extension of the comment period will also allow the NRC to attempt to reschedule meetings related to this rulemaking that were cancelled due to the government shutdown so that they occur during the comment period.

DATES: For the proposed rule published on September 13, 2013 (78 FR 56776), the comment period has been extended and now ends on December 20, 2013. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject):

• *Federal rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

• *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

• *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

• *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. (Eastern Time) Federal workdays; telephone: 301–415–1677.

For additional direction on accessing information and submitting comments, see ''Accessing Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–287–9167; email: *Merri.Horn@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Accessing Information and Submitting Comments

A. Accessing Information

Please refer to Docket ID NRC–2012–0246 when contacting the NRC about the availability of information for this proposed rule. You may access publicly-available information related to this proposed rule by any of the following methods:

• *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2012–0246.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly-available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

B. Submitting Comments

Please include Docket ID NRC–2012–0246 in the subject line of your comment submission, in order to ensure that the NRC is able to make your comment submission available to the public in this docket.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *http://www.regulations.gov* as well as enter the comment submissions into ADAMS and the NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On September 13, 2013, the NRC published a proposed rule revising the generic determination of the environmental impacts of the continued storage of spent nuclear fuel beyond a reactor's licensed life for operation and prior to ultimate disposal. (78 FR 56776). The NRC prepared a draft generic environmental impact statement to support this proposed rule. In the proposed rule, the Commission proposes to conclude that the generic environmental impact statement generically addresses the environmental impacts of continued storage of spent nuclear fuel beyond the licensed life for operation of a reactor and supports the determinations that it is feasible to safely store spent nuclear fuel beyond

the licensed life for operation of a reactor and to have a mined geologic repository within 60 years following the licensed life for operation of a reactor. The proposed rule also would clarify that the generic determination applies to a license renewal for an independent spent fuel storage installation (ISFSI).

The public comment period for the proposed rule and the draft generic environmental impact statement was to have expired on November 27, 2013. Due to the lapse in Federal funding and the subsequent shutdown of the NRC, and requests from members of the public to extend the comment period, the NRC has decided to extend the comment period until December 20, 2013.

Dated at Rockville, Maryland, this 1st day of November 2013.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2013–26726 Filed 11–6–13; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0869; Directorate Identifier 2013–NM–063–AD]

RIN 2120–AA64

Airworthiness Directives; the Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767 airplanes. This proposed AD was prompted by reports of bearing damage at certain trailing edge (TE) flap support rib assemblies. This proposed AD would require inspecting certain TE flap support rib assemblies to determine if the bearings have a roller retention feature, and performing corrective actions if necessary; and inspecting for bearing damage of each pair of removed bearings, and performing related investigative and corrective actions if necessary. We are proposing this AD to detect and correct damage to the TE flap support bearings, which can result in damage to the TE rotary actuators and consequent dual flap drive system disconnect in both TE flap rotary actuators, and a possible flap aerodynamic blowback with loss of controllability of the airplane.

DATES: We must receive comments on this proposed AD by December 23, 2013.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, Washington 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *Berhane.Alazar@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0869; Directorate Identifier 2013–NM–063–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

We have received reports of bearing damage at the TE flap support rib assemblies in flap positions 1, 2, 4, 5, 7, and 8. Bearing damage in the TE flap support rib assembly is caused by the use of mallets during the installation of the shaft on the TE flap support rib assembly when TE flap support bearings without a roller retention feature are installed. This method of installation may compromise bearings without a roller retention feature. Damaged TE flap support bearings can lead to damage to the TE rotary actuators and other TE flap support rib parts, which could result in a dual flap drive system disconnect in both TE flap rotary actuators, and a possible flap aerodynamic blowback with loss of controllability of the airplane.

Relevant Service Information

We reviewed Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for Docket No. FAA–2013–0869.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information identified previously, except as discussed under ''Differences Between the Proposed AD and the Service Information.''

The phrase ''related investigative actions'' is used in this proposed AD. ''Related investigative actions'' are follow-on actions that: (1) Are related to the primary actions, and (2) further

investigate the nature of any condition found. Related investigative actions in an AD could include, for example, inspections.

In addition, the phrase ''corrective actions'' is used in this proposed AD. ''Corrective actions'' are actions that correct or address any condition found. Corrective actions in an AD could include, for example, repairs.

Costs of Compliance

We estimate that this proposed AD affects 45 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	Up to 40 work-hours × $85 per hour = Up to $3,400.	$0	Up to $3,400	Up to $153,000.

We estimate the following costs to do any necessary replacements that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Bearing replacement and functional test.	Up to 24 work-hours × $85 per hour = Up to $2,040	Up to $5,936	Up to $7,976.

According to the manufacturer, some of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, section 106, describes the authority of the FAA Administrator. Subtitle VII: Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

The Boeing Company: Docket No. FAA–2013–0869; Directorate Identifier 2013–NM–063–AD.

(a) Comments Due Date

We must receive comments by December 23, 2013.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013.

(d) Subject

Joint Aircraft System Component (JASC)/Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by reports of bearing damage at certain trailing edge (TE) flap support rib assemblies. We are issuing this AD to detect and correct damage to the TE flap support bearings, which can result in damage to the TE rotary actuators and consequent dual flap drive system disconnect in both TE flap rotary actuators, and a possible flap aerodynamic blowback with loss of controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Bearing Inspection To Determine Roller Retention Feature and Corrective Actions

Except as provided by paragraph (i) of this AD, at the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013: Do a general visual inspection of both bearings at the TE flap support rib assembly in flap positions 1, 2, 7, and 8 to determine if the bearings have a roller retention feature; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert

Service Bulletin 767–27A0227, dated February 12, 2013. Do all applicable corrective actions before further flight.

(h) Bearing Inspection for Damage, Related Investigative Actions, and Corrective Actions

For each pair of bearings removed as required by paragraph (g) of this AD: At the applicable time specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013: Do a general visual inspection for bearing damage of the bearings; and do all applicable related investigative and corrective actions; in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013. Do all applicable related investigative and corrective actions before further flight.

(i) Exception to Compliance Time

Where paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 767–27A0227, dated February 12, 2013, specifies a compliance time ''after the original issue date of this service bulletin,'' this AD requires compliance within the specified compliance time ''after the effective date of this AD.''

(j) Credit for Previous Actions Accomplished in Accordance With Previous Service Information

This paragraph provides credit for the actions specified in paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using of Boeing Alert Service Bulletin 767–27A0222, dated June 24, 2010, which is not incorporated by reference in this AD.

(k) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO, send it to the attention of the person identified in the Related Information section of this AD. Information may be emailed to: *9-ANM-Seattle-ACO–AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair required by this AD if it is approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) that has been authorized by the Manager, Seattle ACO, to make those findings. For a repair method to be approved, the repair must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(l) Related Information

(1) For more information about this AD, contact Berhane Alazar, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office (ACO), 1601 Lind Avenue SW., Renton, WA 98057–3356; phone: 425–917–6577; fax: 425–917–6590; email: *Berhane.Alazar@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Data & Services Management, P.O. Box 3707, MC 2H–65, Seattle, WA 98124–2207; telephone 206–544–5000, extension 1; fax 206–766–5680; Internet *https://www.myboeingfleet.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on October 31, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–26708 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0834; Directorate Identifier 2012–NM–045–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede airworthiness directives AD 2003–14–11, AD 2004–11–08, AD 2004–13–25, AD 2004–18–14, AD 2008–06–07, and AD 2012–04–07 that apply to certain Airbus Model A330 and A340 series airplanes. AD 2003–14–11, AD 2004–11–08, AD 2004–13–25, AD 2004–18–14, AD 2008–06–07, and AD 2012–04–07 required revising the maintenance program to incorporate certain maintenance requirements and airworthiness limitations; replacing certain flap rotary actuators; repetitively inspecting elevator servo-controllers and pressure relief valves of the spoiler servo controls (SSCs); repetitively testing the elevator servo control loops, modifying the elevator servo controls, and repetitively replacing certain retraction brackets of the main landing gear; and revising the airplane flight manual. Since we issued those ADs, we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary. This proposed AD would require revising the maintenance program to incorporate certain maintenance requirements and airworthiness limitations. The proposed AD also removes Airbus Model A340–200, –300, –500, and –600 series airplanes from the applicability. We are proposing this AD to address the aging effects of aircraft systems. Such aging effects could change the characteristics leading to an increased potential for failure, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane.

DATES: We must receive comments on this proposed AD by December 23, 2013.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 45 80; email *airworthiness.A330–A340@airbus.com*; Internet *http://www.airbus.com*. You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be

available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–0834; Directorate Identifier 2012–NM–045–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov*, including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On July 7, 2003, we issued AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003), for all Airbus Model A330 and A340 series airplanes. AD 2003–14–11 required revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for the servo-controls located on the ailerons and replacement of the servo-controls with new servo-controls when they have reached their operational life limits. AD 2003–14–11 resulted from a revision of Airbus airworthiness limitations which introduced more restrictive maintenance requirements and airworthiness limitations. We issued AD 2003–14–11 to prevent hydraulic leakage and failure of the servo-controls due to cracks in the end caps and along the barrel, which could result in loss of the ailerons and consequent reduced controllability of the airplane.

On May 20, 2004, we issued AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004), for certain Airbus Model A330, A340–200, and A340–300 series airplanes. AD 2004–11–08 required replacement of flap rotary actuators with modified flap rotary actuators. AD 2004–11–08 resulted from reports of fatigue failure of rotary actuator levers. We issued AD 2004–11–08 to prevent fatigue failure of the rotary actuator lever for the flaps, which could result in loss of the flap surface and consequent reduced controllability of the airplane.

On June 24, 2004, we issued AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004), for certain Airbus Model A330, A340–200, and A340–300 series airplanes. AD 2004–13–25 required repetitive inspections to check the play of the eye-end of the piston rod of the elevator servo-controls and corrective actions if necessary, and replacement of certain elevator servo-controls with new, improved servo-controls. We issued AD 2004–13–25 to detect and correct excessive play of the eye-end of the piston rod of the elevator servo controls, which could result in failure of the elevator servo-control.

On October 19, 2004, we issued AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004), for certain Airbus Model A330 and A340–200 and –300 series airplanes. AD 2004–18–14 required revising the Limitations Section of the airplane flight manual (AFM) to ensure that the flightcrew is advised of the proper procedures in the event of uncommanded movement of a spoiler during flight; inspecting the function of the pressure relief valves of each SSC, and performing corrective action if necessary; and eventually modifying the SSCs, which terminated the AFM revision. AD 2004–18–14 resulted from several reports of incidents where an SSC was not locked in the retracted position during flight. We issued AD 2004–18–14 to prevent uncommanded movement of a spoiler during flight, which could result in reduced controllability of the airplane and consequent significant increased fuel consumption during flight, which could necessitate an in-flight turn-back or diversion to an unscheduled airport destination.

On March 3, 2008, we issued AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008), for all Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes. A correction of AD 2008–06–07 was published in the **Federal Register** on April 15, 2008 (73 FR 20367). AD 2008–06–07 required revising an accelerated schedule of repetitive testing of the elevator servo control loops, and doing corrective actions if necessary. AD 2008–06–07 resulted from reports of failed elevator servo controls due to broken guides. We issued AD 2008–06–07 to prevent failure of the elevator servo controls during certain phases of takeoff, which could result in an unannounced loss of elevator control and consequent reduced controllability of the airplane.

On February 14, 2012, we issued AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012), for all Airbus Model A330–200, A330–300, A340–200, and A340–300 series airplanes. AD 2012–04–07 required replacement of certain retraction brackets of the main landing gear (MLG). AD 2012–04–07 resulted from reports of retraction brackets failures during fatigue testing before accumulation of the life limit of the MLG. We issued AD 2012–04–07 to prevent failure of the retraction bracket, which could result in a MLG extension with no damping, and consequent structural damage of the MLG.

Actions Since Existing ADs Were Issued

Since we issued AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003); AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004); AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004); AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004); AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008); and AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012); we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0020, dated January 30, 2012 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> The mandatory instructions and airworthiness limitations applicable to the Ageing Systems Maintenance (ASM) are specified in Airbus A330 ALS Part 4, which is approved by the European Aviation Safety Agency (EASA).
>
> The revision 03 of Airbus A330 ALS Part 4 introduces more restrictive maintenance requirements and/or airworthiness limitations. Failure to comply with the instructions of ALS Part 4 could result in an unsafe condition.
>
> This [EASA] AD requires the implementation of the maintenance requirements and/or airworthiness limitations as specified in Airbus A330 ALS Part 4 revision 03, approved on 09 September 2011. In addition, this [EASA] AD supersedes DGAC [Directorate General for Civil Aviation] France ADs and EASA ADs listed in the ''Supersedure'' section above, whose requirements have been transferred into Airbus A330 ALS Part 4.

The unsafe condition is the aging effects of aircraft systems. Such aging

effects could change the characteristics leading to an increased potential for failure, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

We reviewed Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 03, dated September 09, 2011. The airworthiness limitations introduce mandatory instructions and more restrictive maintenance requirements.

Related Rulemaking

We have issued AD 2013–20–06, Amendment 39–17612 (78 FR 64156, October 28, 2013), for all Airbus Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes, to require revising the maintenance program to incorporate certain maintenance requirements and airworthiness limitations. AD 2013–20–06 terminates the requirements of the following ADs for Airbus Model A340 series airplanes only (this proposed AD supersedes the following ADs):

- AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003);
- AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004);
- AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004);
- AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004);
- AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008; corrected April 15, 2008 (73 FR 20367)); and
- AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012).

Because AD 2013–20–06 terminates the requirements of the preceding ADs for Airbus Model A340 series airplanes, we have not included Airbus Model A340 series airplanes in the applicability of this proposed AD. The applicability of this proposed AD is Airbus Model A330 series airplanes as specified in paragraph (c) of this AD.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

This proposed AD would retain none of the requirements of the following ADs:

- AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003);
- AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004);
- AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004);
- AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004);
- AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008);
- AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012).

This proposed AD would require implementation of certain maintenance requirements and airworthiness limitations. This proposed AD would also require accomplishing the actions specified in the service information described previously, except as discussed under ''Differences Between this Proposed AD and the MCAI or Service Information.''

Differences Between This Proposed AD and the MCAI or Service Information

This NPRM proposes to incorporate Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 9, 2011, including the compliance times for the actions; however, the compliance times for certain initial actions is different from those specified in Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 9, 2011, because the actions were required by AD 2003–14–11, AD 2004–11–08, AD 2004–13–25, AD 2004–18–14, AD 2008–06–07, and AD 2012–04–07; therefore, the initial compliance time is relative to the effective date of the applicable superseded AD, as specified in paragraph (h) of this NPRM.

Costs of Compliance

We estimate that this proposed AD affects 71 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise maintenance program	2 work-hours × $85 per hour = $170	$0	$170	$12,070

Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

We have determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that the proposed regulation:

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979),

(3) Will not affect intrastate aviation in Alaska, and

(4) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directives AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003); AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004); AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004); AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004); AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008); AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012); and

■ b. Adding the following new AD: Airbus: Docket No. FAA–2013–0834; Directorate Identifier 2012–NM–045–AD.

(a) Comments Due Date

The FAA must receive comments on this AD action by December 23, 2013.

(b) Affected ADs

This AD supersedes the ADs specified in paragraphs (b)(1) through (b)(6) of this AD.

(1) AD 2003–14–11, Amendment 39–13230 (68 FR 41521, July 14, 2003).

(2) AD 2004–11–08, Amendment 39–13654 (69 FR 31874, June 8, 2004).

(3) AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004).

(4) AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004).

(5) AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008).

(6) AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012).

(c) Applicability

This AD applies to Airbus Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –341, –342, and –343 airplanes; certificated in any category; all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks.

(e) Unsafe Condition

This AD was prompted by a determination that maintenance requirements and airworthiness limitations are necessary. We are issuing this AD to address the aging effects of aircraft systems. Such aging effects could change the characteristics leading to an increased potential for failure, which, in isolation or in combination with one or more other specific failures or events, could result in failure of certain life limited parts, which could reduce the structural integrity of the airplane or reduce the controllability of the airplane.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Maintenance Program Revision

Within 6 months after the effective date of this AD, revise the maintenance program by incorporating Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 03, dated September 09, 2011. The initial compliance times for the actions are within the applicable compliance times specified in the Record of Revisions pages of Airbus A330 ALS Part 4, Revision 03, dated September 09, 2011, or within 6 months after the effective date of this AD, whichever is later, except as required by paragraph (h).

(h) Exceptions to Initial Compliance Times

(1) Where A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 09, 2011, defines a calendar compliance time for elevator servo-controls having part number (P/N) SC4800–2, SC4800–3, SC4800–4, SC4800–6, SC4800–7, or SC4800–8 as August 31, 2004, the calendar compliance time is June 13, 2007 (34 months after the effective date of AD 2004–13–25, Amendment 39–13707 (69 FR 41394, July 9, 2004)).

(2) Where A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 09, 2011, defines a calendar compliance time for spoiler servo-controls (SSC) having P/N 1386A0000–01, P/N 1386B0000–01, P/N 1387A0000–01 or P/N 1387B0000–01 as December 31, 2003, the calendar compliance time is November 19, 2005 (13 months after the effective date of AD 2004–18–14, Amendment 39–13793 (69 FR 55326, September 14, 2004)).

(3) Where A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 09, 2011, defines a calendar compliance time for elevator servo-controls having P/N SC4800–73, SC4800–93, SC4800–103 and SC4800–113 as June 30, 2008, the calendar compliance time is September 16, 2009 (17 months after the effective date of AD 2008–06–07, Amendment 39–15419 (73 FR 13103, March 12, 2008)).

(4) The initial compliance time for replacement of the retraction brackets of the MLG having a part number specified in paragraphs (h)(4)(i) through (4)(h)(xvi) of this AD is before the accumulation of 19,800 total landings on the affected retraction brackets of the MLG, or within 900 flight hours after April 9, 2012 (the effective date of AD 2012–04–07, Amendment 39–16963 (77 FR 12989, March 5, 2012), whichever occurs later.

(i) 201478303
(ii) 201478304
(iii) 201478305
(iv) 201478306
(v) 201478307
(vi) 201478308
(vii) 201428380
(viii) 201428381
(ix) 201428382
(x) 201428383
(xi) 201428384
(xii) 201428385
(xiii) 201428378
(xiv) 201428379
(xv) 201428351
(xvi) 201428352

(i) Alternative Intervals or Limits

After accomplishing the revision required by paragraph (g) of this AD, no alternative actions (e.g., inspections) or intervals may be used unless the actions or intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149. Information may be emailed to: *9-ANM-Seattle-ACO-AMOC-Requests@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(k) Related Information

Refer to European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0020, dated January 30, 2012, for related information. The mandatory continuing airworthiness information may be viewed on the Internet at *http://www.regulations.gov.*

Issued in Renton, Washington, on August 21, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–26682 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. FAA–2010–1259]

Interpretation of Rest Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed interpretation; withdrawal.

SUMMARY: On December 23, 2010, FAA published a Notice of Proposed Interpretation seeking public comment on the application of certain rest requirements during on-demand operations. Section 346 of the FAA Modernization and Reform Act of 2012 provided that the Administrator of the Federal Aviation Administration may not finalize the interpretation proposed in Docket No. FAA–2010–1259, relating to rest requirements, and published in the **Federal Register** on December 23, 2010. Consistent with this statute, no further action will be taken with regard to this interpretation.

DATES: The notice of proposed interpretation published December 23, 2010, at 75 FR 80746 is withdrawn as of November 7, 2013.

FOR FURTHER INFORMATION CONTACT: Robert Frenzel, Manager, Operations Law Branch, Regulations Division, Office of Chief Counsel, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–3073; email: *Robert.Frenzel@faa.gov.*

Issued in Washington, DC, on October 31, 2013.

Mark W. Bury,

Assistant Chief Counsel for International Law, Legislation and Regulations, AGC–200.

[FR Doc. 2013–26485 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

Negotiated Rulemaking Committee, Notice of Change to Schedule of Committee Meetings—Title IV Federal Student Aid Programs, Gainful Employment in a Recognized Occupation

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of intent to establish negotiated rulemaking committee.

SUMMARY: On June 12, 2013, we announced our intention to establish a negotiated rulemaking committee to prepare proposed regulations to establish standards for programs that prepare students for gainful employment in a recognized occupation. We also announced the schedule for committee meetings. Because of the Federal Government shutdown due to a lapse in appropriations, we are rescheduling the second session of committee meetings to November 18–20, 2013. In addition, the last day of the second session will end at 5:00 p.m. instead of at noon.

DATES: The dates, times, and locations of the committee meetings are set out in the *Schedule for Negotiations* section under **SUPPLEMENTARY INFORMATION,** below.

FOR FURTHER INFORMATION CONTACT: For information about the content of this notice, including information about the negotiated rulemaking process, contact: Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526 or by email: *wendy.macias@ed.gov.*

For general information about the negotiated rulemaking process, see *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at *http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html.*

If you use a telecommunications device for the deaf or text telephone, call the Federal Relay Service, toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: On June 12, 2013, we published a notice in the **Federal Register** (78 FR 35179) announcing our intention to establish a negotiated rulemaking committee to prepare proposed regulations for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA) (title IV Federal Student Aid programs) that would establish standards for programs that prepare students for gainful employment in a recognized occupation. In that notice, we set a schedule for the committee meetings and requested nominations for individual negotiators who represent key stakeholder constituencies for the issue to be negotiated to serve on the committee.

Because of the shutdown of the Federal Government due to the recent lapse in appropriations for fiscal year 2014, we announce that we are rescheduling the second session of committee meetings from October 21–23, 2013 to November 18–20, 2013.

In addition, we announce that the meeting on the final day, November 20, 2013, will run from 9:00 a.m. to 5:00 p.m., rather than from 9:00 a.m. to 12:00 p.m. The revised schedule for the second session follows.

Schedule for Negotiations: The committee will meet for its second and final session on November 18–20, 2013. The session will run from 9:00 a.m. to 5:00 p.m. each day.

The meetings will be held at the U.S. Department of Education at: 1990 K Street NW., Eighth Floor Conference Center, Washington, DC 20006.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 20 U.S.C. 1098a.

Dated: October 30, 2013.

Brenda Dann-Messier,

Assistant Secretary for Vocational and Adult Education, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2013–26492 Filed 11–6–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

48 CFR Parts 927, 952 and 970

RIN 1991–AB82

Acquisition Regulation: Patents, Data, and Copyrights

AGENCY: Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of Energy (DOE) is proposing to amend the

Department of Energy Acquisition Regulation (DEAR) to make changes to conform to the Federal Acquisition Regulation (FAR). This proposed revision will also update, clarify and streamline text in certain DOE intellectual property and technology transfer clauses in order to benefit from several years of experience under the existing clauses, and, where necessary, make these DOE clauses consistent with recent changes to the FAR.

DATES: Written comments on the proposed rulemaking must be received on or before close of business December 9, 2013.

ADDRESSES: You may submit comments, identified by ''DEAR: Patents, Data, and Copyrights and RIN 1991–AB82,'' by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email to: DEARrulemaking@hq.doe.gov.* Include DEAR: Patents, Data, and Copyrights and RIN 1991–AB82 in the subject line of the message.
- *Mail to:* U.S. Department of Energy, Office of Acquisition and Project Management, MA–611, 1000 Independence Avenue SW., Washington, DC 20585. Comments by email are encouraged.

FOR FURTHER INFORMATION CONTACT: Sharon Archer, (202) 287–1739 or *Sharon.Archer@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of this rulemaking is to update and improve certain DOE intellectual property and technology transfer texts and clauses in order to benefit from several years of experience under the existing clauses; to make, where necessary, said texts and clauses consistent with recent changes to FAR Part 27 (72 FR 63045, November 7, 2007); and to make technical and grammatical changes to these sections as necessary. The proposed changes affect DOE, which includes the National Nuclear Security Administration (NNSA), as well as DOE contractors, which include both DOE and NNSA contractors, as well as DOE and NNSA Management and Operating (M&O) contractors.

Today's proposed rule does not alter substantive rights or obligations under current law. The proposed changes include policy revisions for computer software developed under DOE contracts, and amend guidance regarding technology transfers to foreign entities, trademarks associated with laboratory activities, and background technology rights under DOE contracts as follows:

1. Computer Software

DOE's existing Rights in Technical Data-Technology Transfer clause at 970.5227–2 provides mechanisms by which computer software first produced by a DOE contractor may be made available to the public. DOE program officers and contractors have begun utilizing an additional mechanism by which software may be disseminated, a mechanism commonly referred to as open source software licensing. Open source software is software bearing an assertion of copyright (usually a copyright notice), and occasionally, a trademark in the name of the software. DOE has developed internal interim guidance by which open source software licensing may be conducted by DOE contractors. It is the intention of this proposed regulation to recognize the utility of open source software licensing as another tool that may be chosen by DOE contractors to disseminate DOE-sponsored software, and to specify the conditions under which DOE contractors may choose to copyright and license software as open source. These changes are set forth in this rulemaking, primarily at 48 CFR 970.5227–2 (f).

2. Trademarks

This proposed rulemaking adds, to 970.5227–3, Technology Transfer Mission, a paragraph (a)(3) set forth below, regarding DOE trademark policy. Paragraph (a)(3) affirms that the Laboratory names and logos are owned by DOE and therefore any Contractor desiring to assert trademark or service mark protection for any word, phrase, symbol, design, or combination thereof that includes or is associated with the Laboratory name, must first notify the DOE Patent Counsel.

3. Technology Transfer to Foreign Entities

The existing Technology Transfer Mission clause at 970.5227–3 reflects a policy choice made by DOE to address transactions with organizations owned or controlled by foreign entities. The clause is being modified to make it clear to DOE contractors and the public that consultation of publicly-available United States Trade Representative (USTR) information, such as the information on their Web site rather than direct consultation with the USTR may satisfactorily address requirements under the clause. This modified guidance is set forth in this proposed rulemaking primarily at 970.5227–3 (f)(1)(ii)(C).

4. Weapons Related Inventions

DOE believes that the existing definition of ''weapons related subject invention'', included in appropriate contracts, needs to be renumbered, and procedures for allocation of rights to such inventions need to be clarified. These changes, and other minor modifications, are reflected in the amended Patent Rights clause of 970.5227–12.

5. Background Technology Rights

DOE proposes modifying the DEAR at 927.302 to conform to the standards for inclusion of background rights clauses set forth in 10 CFR 600.325, Copyright Assignment to Government. Additionally, circumstances may arise where DOE would like to take ownership of copyright in data first produced under a DOE contract by a DOE contractor. Although the Rights-in Data—Special Works clause of FAR 52.227–17 provides for this, it does so in limited special circumstances. DOE proposes an amendment to all DOE Rights in Technical Data clauses, including 927.409, 970.5227–1(c)(3) and 970.5227–2(c)(3), to provide for that possibility in other circumstances, as may be needed to support specific DOE programs, or in furtherance of DOE mission requirements.

II. Section-by-Section Analysis

DOE proposes to amend the DEAR as follows:

PART 927—PATENTS, DATA, AND COPYRIGHTS

1. Section 927.302 is redesignated as 927.302–70, and is amended by removing language that is not needed for the DEAR and adding language to clarify that in certain rare instances, DOE can acquire rights to background intellectual property and data, with the Program's written approval.

2. Section 927.303(a)(2) is amended by revising the language to reflect updates in patent law such as provisional applications, under FAR 52.227–11.

3. Section 927.303(a)(3) is amended by adding language to allow flexibility in cleanup projects and where smaller facilities are being built or operated on behalf of DOE.

4. Section 927.303(b) is amended to provide contracting officers with guidance on procedures to follow when DOE grants a waiver for specific inventions.

5. Section 927.402–1 has been removed and the language under paragraph (1)(a) has been moved to new section 927.403–70–1 under paragraph (a). The language in 927.402–1(a) is revised by adding, after the last sentence, language setting out DOE's statutory authority to maintain, within the Department, publicly available collections of scientific and technical information resulting from research, development, demonstration and commercial applications that have been supported by the Department.

6. Section 927.402–1 has been removed and the language under paragraph (1)(b) has been moved to new section 927.403–70–1 under paragraph (b). The language in 927.402–1(b) is revised by adding language to include guidance on R&D results.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 952.227–13 is revised by adding Alternate I to provide for a right to require licensing of background inventions to third parties.

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

8. Section 970.2701–1 is revised by adding language to include decontamination and decommissioning activities to the scope of the section.

9. Section 970.2702–1 is redesignated as section 970.2702–1–2. Section 970.2702–4 information is proposed to be incorporated into newly redesignated section 970.2702–1–2.

10. Section 970.2703–2 is redesignated as section 970.2703–70–2.

11. Section 970.2704–1(a), redesignated as 970–2704–70–1(a), is revised by adding language to clarify that the Department's statutory missions include those outlined in Energy Policy Act.

12. Section 970.2704–2(a), redesignated as 970.2704–70–2(a), is revised by adding language to include guidance on R&D results.

13. Section 970.2704–3, redesignated as 970.2704–70–3, paragraphs (a) and (b), are revised to include prescriptive language for adding new Alternate II paragraphs for various types of contracts.

14. Section 970.5227–1(b) is revised by adding language to add a provision for the Office of Scientific and Technical Information (OSTI) statutory reporting requirements.

15. Section 970.5227–1(c) is revised by adding language to include instructions on how the Government may obtain copyright to technical data or computer software.

16. Section 970.5227–1 is revised by adding Alternate II to include language to obtain the right to use the limited rights data in solicitations to continue or complete the project which is the subject of the contract.

17. Section 970.5227–2(a) is revised by adding five new definitions missing from this section.

18. Section 970.5227–2(b)(1)(ii) is revised to update the responsible office name.

19. Section 970.5227–2(b)(1)(iv) is revised to update the section references so that they match the changes made herein.

20. Section 970.5227–2(b)(2)(ii) is revised by adding language to clarify an exception to the clause requirements.

21. Section 970.5227–2(b) is revised by adding paragraph ''(4)'' to add a provision for OSTI statutory reporting requirements.

22. Section 970.5227–2 is revised to add a new paragraph (c)(3) to clarify that contracting officers may establish and assign permission to copyright data or computer software when such permission was not granted under the contract.

23. Section 970.5227–2(e)(1)(iii) is revised by adding language to provide guidance on Contractor's right to assert copyright in excepted categories of data.

24. Section 970.5227–2(e) is revised by adding paragraph (1)(iv) to clarify the paragraphs of the section that apply when data rights are limited rights data or restricted computer software.

25. Section 970.5227–2(e)(2) is revised by updating the section to identify the appropriate DOE division, to adjust the response time to a more reasonable timeframe and to clarify what is meant by subsequent versions.

26. Section 970.5227–2(e)(3) is revised to read as set forth below to update the language to reflect what is currently needed by OSTI for the contractor to assert copyright.

27. Section 970.5227–2(e)(3) is revised to add new paragraph (ii) to add language to clarify exceptions to the Government's unlimited rights in technical data and computer software.

28. Section 970.5227–2(e)(3)(iii), redesignated as 970.5227–2(e)(3)(iv), is revised to remove the term period that is not required.

29. Section 970.5227–2(e)(3)(vi), redesignated as 970.5227–2(e)(3)(vii), is revised to remove the term period as that is not required.

30. Section 970.5227–2(e)(3)(viii), redesignated as 970.5227–2(e)(3)(ix), is revised to require the contractor to provide the Department with the latest version of the copyrighted data.

31. Section 970.5227–2(e)(4) is revised by updating the section to identify the responsible office name.

32. Section 970.5227–2 is revised by adding new paragraph ''(f)'' and redesignating paragraphs ''(f)'', ''(g)'', ''(h)'' and ''(i)', respectively, to provide procedures for a contractor requesting to assert copyright in the work of some subcontractors.

33. Section 970.5227–2 is revised to add Alternate II to obtain the right to use the limited rights data in solicitations to continue or complete the project which is the subject of the contract.

34. Section 970.5227–3(a) is revised by adding new paragraph ''(3)'' to state that DOE owns the trademarks to all laboratory names and logos.

35. Section 970.5227–3(b) is revised by adding two new definitions.

36. Section 970.5227–3(d)(1) is revised by adding language to cover conformance with standards of conduct.

37. Section 970.5227–3(d)(10) is revised by adding language to identify to whom notice should be provided.

38. Section 970.5227–3(f)(1)(ii) is revised by adding paragraphs ''(C)'' and ''(D)'' to provide the contracting officer with guidance for handling foreign company control.

39. Section 970.5227–3(h)(1), is revised by removing ''75 percent'' and replacing it with ''15 percent'' to reflect the correct percentage of excess amounts of royalties and income received from patent licensing after payment of costs that must be paid to the Treasury of the United States.

40. Section 970.5227–3(h)(3) is revised by adding language to clarify that changes to policy will require contracting officer approval as well.

41. Section 970.5227–3(j)(1) is revised by adding language that clarifies the circumstances under which contractors must obtain approval from Contracting Officers prior to entering into any technology transfer arrangement.

42. Section 970.5227–3(n)(2)(ii) is revised by adding language to provide

further guidance on considerations for CRADAs.

43. Section 970.5227–3(n)(3)(ii) is revised by adding language to provide further guidance to Contractors on what factors to consider when considering giving preference to business units located in the United States that agree that products or processes embodying intellectual property will be substantially manufactured or practiced in the United States.

44. Section 970.5227–3(n)(4)(i) is revised to clarify that CRADA is used when the project is collaborative.

45. Section 970.5227–3 Alternate I paragraph (p) is revised and moved to main clause regarding technology partnership ombudsman responsibilities.

46. Section 970.5227–10(b)(2)(ii) is revised to add language that clarifies and expands upon the exceptional circumstances under 35 U.S.C. 202 when the right to retain title to subject inventions may be restricted.

47. Section 970.5227–10(c)(3) is revised to clarify patent application.

48. Section 970.5227–12(a) is revised by adding a definition for the Department of Energy.

49. Section 970.5227–12(a) is revised by adding language to clarify that the Patent Counsel is the first and primary point of contact for patent rights under management and operating contracts.

50. Section 970.5227–12 is revised in paragraph (b)(5)(ii) to expand the list to include two additional initiatives to the list of exceptional circumstance subject inventions.

51. Section 970.5227–12 is revised in paragraph (b)(5)(iii) to add language to clarify that exceptional circumstances subject inventions are set forth in the applicable class advance waiver.

52. Section 970.5227–12(t) is revised by adding language to provide guidance on delegation.

III. Procedural Requirements

A. Review Under Executive Orders 12866 and 13563

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review,'' (58 FR 51735, October 4, 1993). Accordingly, this rule is not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB).

DOE has also reviewed this regulation pursuant to Executive Order 13563, issued on January 18, 2011 (76 FR 3281, January 21, 2011). Executive Order 13563 is supplemental to and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, agencies are required by Executive Order 13563 to: (1) Propose or adopt a regulation only upon a reasoned determination that its benefits justify its costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor regulations to impose the least burden on society, consistent with obtaining regulatory objectives, taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

DOE emphasizes as well that Executive Order 13563 requires agencies to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible. In its guidance, the Office of Information and Regulatory Affairs has emphasized that such techniques may include identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes. DOE believes that today's NOPR is consistent with these principles, including the requirement that, to the extent permitted by law, agencies adopt a regulation only upon a reasoned determination that its benefits justify its costs and, in choosing among alternative regulatory approaches, those approaches maximize net benefits.

B. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' (61 FR 4729, February 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction.

With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the United States Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or if it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this rule meets the relevant standards of Executive Order 12988.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' (67 FR 53461, August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE has made its procedures and policies available on the Office of General Counsel's Web site at *http://www.gc.doe.gov.*

Today's proposed rule updates and modifies references in the DEAR that apply to public contracts. This rule would not have a significant economic impact on small entities because it imposes no significant burdens. Any costs incurred by DOE contractors complying with the rule would be reimbursed under the contract.

Accordingly, DOE certifies that this rule would not have a significant economic impact on a substantial number of small entities, and, therefore,

no regulatory flexibility analysis is required.

D. Review Under the Paperwork Reduction Act

This proposed rule does not impose any new information, collection or recordkeeping requirements. Existing information collections imposed by the Department of Energy Acquisition Regulation are covered by OMB control number 1910–4100 with an expiration date of October 31, 2014.

E. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of this proposed rule falls into a class of actions which would not individually or cumulatively have significant impact on the human environment, as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, this proposed rule is categorically excluded from NEPA review because the amendments to the DEAR are strictly procedural (categorical exclusion A6). Therefore, this proposed rule does not require an environmental impact statement or environmental assessment pursuant to NEPA.

F. Review Under Executive Order 13132

Executive Order 13132, (64 FR 43255, August 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. The Executive Order requires agencies to have an accountability process to ensure meaningful and timely input by state and local officials in the development of regulatory policies that have federalism implications.

On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined the proposed rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132.

G. Review Under the Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires a Federal agency to perform a written assessment of costs and benefits of any rule imposing a Federal Mandate with costs to State, local or tribal governments, or to the private sector, of $100 million or more. This rulemaking proposes changes that do not alter any substantive rights or obligations. This proposed rule does not impose any unfunded mandates.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277), requires Federal agencies to issue a Family Policymaking Assessment for any rulemaking or policy that may affect family well-being. This rulemaking will have no impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 13211

Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use, (66 FR 28355, May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), of the Office of Management and Budget (OMB), a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order, (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution and use. Today's proposed rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

J. Review Under the Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516, note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed the proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Approval by the Office of the Secretary of Energy

Issuance of this proposed rule has been approved by the Office of the Secretary of Energy.

List of Subjects in 48 CFR Parts 927, 952 and 970 Government Procurement

Issued in Washington, DC on September 25, 2013.

Paul Bosco,

Director, Office of Acquisition and Project Management, Department of Energy.

Barbara H. Stearrett,

Acting Director, Office of Acquisition Management, National Nuclear Security Administration.

For reasons set out in the preamble, the DOE is proposing to amend chapter 9 of title 48 of the Code of Federal Regulations as set forth below.

PART 927—PATENTS, DATA, AND COPYRIGHTS

■ 1. The authority citation for part 927 is revised to read as follows:

Authority: 42 U.S.C. 2168, 2182, 2201; 42 U.S.C. 5908; 42 U.S.C. 7261a; 42 U.S.C. 7101 et seq.; 50 U.S.C. 4201 et seq.

Subpart 927.2—Patents and Copyrights

■ 2. The heading of subpart 927.2 is revised to read as set forth above.

■ 3. The heading of section 927.201 is revised to read as follows:

927.201 Patent and copyright infringement liability.

* * * * *

927.201–1 [Amended]

■ 4. Section 927.201–1 is amended by removing ''Authorization and Consent'' in the second sentence and adding in its place ''Patent and Copyright Infringement Liability''.

927.206 [Redesignated and Amended]

■ 5. Section 927.206 is redesignated as section 927.202, and newly redesignated section 927.202 is amended by revising the heading to read as follows:

927.202 Royalties.

* * * * *

927.206–1 [Redesignated and Amended]

■ 6. Section 927.206–1 is redesignated as section 927.202–4, and newly redesignated section 927.202–4 is amended by revising the heading to read as follows:

927.202–4 Refund of royalties.

* * * * *

927.206–2 [Redesignated and Amended]

■ 7. Section 927.206–2 is redesignated as section 927.202–5, and newly redesignated section 927.202–5 is amended by revising the heading to read as follows:

927.202–5 Solicitation provisions and contract clauses.

* * * * *

927.207 [Redesignated and Amended]

■ 8. Section 927.207 is redesignated as section 927.203, and newly redesignated section 927.203 is amended by revising the heading to read as follows:

927.203 Security requirements for patent applications containing classified subject matter.

* * * * *

927.207–1 [Redesignated as 927.203–1]

■ 9. Section 927.207–1 is redesignated as section 927.203–1.

927.300 [Amended]

■ 10. Section 927.300 is amended in paragraph (b) by:

■ a. Adding ‘‘, or successor regulation.’’ in the second sentence after ‘‘10 CFR part 784’’; and

■ b. Removing in the third sentence, ‘‘that section’’ and adding ‘‘those regulations’’ in its place.

927.302 [Redesignated and Amended]

■ 11. Section 927.302 is redesignated as 927.302–70, and newly redesignated 927.302–70 is amended by:

■ a. Revising the heading;

■ b. Revising paragraph (b);

■ c. Removing, in paragraph (c), ‘‘paragraph (k)’’, in two places, and adding in its place ‘‘Alternate I’’; and

■ d. Revising paragraph (d)(5)

The addition and revisions read as follows:

927.302–70 Additional policy.

* * * * *

(b) Normally, a contract will not include a background patent and data provision. However, under special circumstances, in order to provide heightened assurance of commercialization, a provision providing for a right to require licensing of third parties to background inventions, limited rights data or restricted computer software, may be included. Inclusion of such a background patent or data provision will be done only with the written concurrence of the DOE program official setting forth the need for such assurance. A contract may include the right to license the Government and third party contractors for special Government purposes when future availability of the technology would also benefit the Government. The scope of any such background patent or data licensing is subject to negotiation.

* * * * *

(d) * * *

(5) Represent DOE in patent, technical data, copyright, and other intellectual property matters not specifically reserved to the Head of the Agency or designee under these regulations.

■ 12. Add new section 927.302 as follows:

927.302 Policy.

■ 13. Section 927.303 is amended by:

■ a. Revising paragraph (a), introductory text;

■ b. Removing, in paragraph (a)(1), the word ‘‘Acquisition’’ and adding in its place ‘‘Ownership’’;

■ c. Revising paragraphs (a)(2), (a)(3), and (b); and

■ d. Removing, in paragraph (c), ‘‘*Facilities License’’* and adding in its place ‘‘*Facilities license’’.*

The revisions read as follows:

927.303 Contract clauses.

(a) In solicitations and contracts for experimental, research, developmental, or demonstration work, the contracting officer shall include the clause:

* * * * *

(2) At 48 CFR 52.227–11, Patent Rights Ownership -by the Contractor, in contracts in which the contractor is a domestic small business or nonprofit organization as defined at 48 CFR 27.301, except where the work of the contract is subject to an Exceptional Circumstances Determination by DOE; and

(3) At 970.5227–10, 970.5227–11, or 970.5227–12, as discussed in 970.27, Patent, Data, and Copyrights, in contracts for the management and operation of DOE laboratories, production facilities, certain decontamination and decommissioning activities, and the building and/or operation of other DOE facilities.

(b) In instances in which DOE grants an advance waiver or waives its rights in an identified invention pursuant to 10 CFR part 784, contracting officers shall consult with patent counsel for the appropriate clause.

* * * * *

927.304 [Amended]

■ 14. Section 927.304 is amended by:

■ a. Removing ‘‘952.227–11’’ and adding in its place ‘‘48 CFR 52.227–11’’; and

■ b. Removing ‘‘(FAR)’’.

Subpart 927.4—Rights in Data and Copyrights

■ 15. The heading of subpart 927.4 is revised to read as set forth above.

■ 16. Section 927.402 is revised to read as follows:

927.402 Policy.

The technical data policy is directed toward achieving the following objectives—

(a) Making the benefits of the energy research, development and demonstration programs of DOE widely available to the public in the shortest practicable time;

(b) Promoting the commercial utilization of the technology developed under DOE programs;

(c) Encouraging participation by private persons in DOE energy research, development, and demonstration programs; and

(d) Fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

927.402–1 [Removed and Reserved]

■ 17. Section 927.402–1 is removed and reserved.

927.402–2 [Removed and Reserved]

■ 18. Section 927.402–2 is removed and reserved.

■ 19. Section 927.403 is revised to read as follows:

927.403 Data rights—General.

■ 20. Add new sections 927.403–70, 927.403–70–1 and 927.403–70–2 to subpart 927.4 to read as follows:

927.403–70 Acquisition and use of technical data.

927.403–70–1 General.

(a) The provisions herein pertain to research, development, demonstration and supply contracts. Special considerations for contracts for the operation, design, or construction of Government-owned facilities are covered by subpart 970.27. Under DOE’s

broad charter to perform research, development, and demonstration work, in both nuclear and non-nuclear fields, and to meet the objectives stated in 927.402, DOE has extensive needs for technical data. The satisfaction of these needs and the achievement of DOE's objectives through a sound data policy are found in the balancing of the needs and equities of the Government, its contractors, and the general public. In addition, the Energy Policy Act of 2005 also referred to as Public Law 109–58, Subtitle G-Science, Section 982, provides that the Office of Scientific and Technical Information shall maintain publicly available collections of scientific and technical information resulting from research, development, demonstration, and commercial applications activities supported by the Department.

(b) It is important to keep a clear distinction between contract requirements for the delivery of technical data and rights in technical data. The legal rights which the Government acquires in technical data in DOE contracts, other than management and operating contracts (see 970.2704) and other contracts involving the production of data necessary for the management or operation of DOE facilities or a DOE site, are set forth in Rights in Data—General clause at 48 CFR 52.227–14 as modified in accordance with 927.409 of this subpart. In those contracts involving the production of data necessary for the management or operation of DOE facilities or a DOE site, after consultation with Patent Counsel the clause at 970.5227–1 shall be used. However, those clauses do not obtain for the Government delivery of any data whatsoever. Rather, known requirements for the technical data to be delivered by the contractor shall be set forth as part of the contract. For Research and Development (R&D) contracting, requirements for R&D results conveyed in scientific and technical information are addressed in 935.010 and should be set forth as part of the contract. The Additional Data Requirements clause at 48 CFR 52.227–16 may be used along with the Rights in Data—General clause to enable the contracting officer to require the contractor to furnish additional technical data, the requirement for which was not known at the time of contracting. There is, however, a built-in limitation on the kind of technical data which a contractor may be required to deliver under either the contract or the Additional Data Requirements clause. This limitation is found in the withholding provision of paragraph (g) of the Rights in Data—General clause at 48 CFR 52.227–14, as amended at 927.409(a), which provides that the contractor need not furnish limited rights data or restricted computer software. Unless Alternate II or III to the Rights in Data—General clause is used, it is specifically intended that the contractor may withhold limited rights data or restricted computer software even though a requirement for technical data specified in the contract or called for delivery pursuant to the Additional Data Requirements clause would otherwise require the delivery of such data.

927.403–70–2 Negotiations and deviations.

Contracting officers shall contact Patent Counsel assisting their contracting activity or the Assistant General Counsel for Technology Transfer and Intellectual Property for assistance in selecting, negotiating, or approving appropriate data and copyright clauses in accordance with the procedures set forth in this subpart and 48 CFR subpart 27.4. In particular, contracting officers shall seek the prompt and timely advice of Patent Counsel regarding any situation not in conformance with this subpart and prescribed clauses, including the inclusion or modification of alternate paragraphs of the Rights in Data—General clause at 48 CFR 52.227–14, as amended at 927.409(a), the exclusion of specific items from said clause, the exclusion of the Additional Data Requirements clause at 48 CFR 52.227–16, and the inclusion of any special provisions in a particular contract.

■ 21. Revise sections 927.404 and 927.404–70 to read as follows:

927.404 Rights in data.

927.404–70 Rights in technical data.

(a) Contractors are required by paragraph (d)(3) of the clause at 48 CFR 52.227–14, as modified pursuant to 927.409(a)(1), to acquire permission from DOE to assert copyright in any computer software first produced in the performance of the contract. This requirement reflects DOE's established software distribution program, and the Department's statutory dissemination obligations. When a contractor requests permission to assert copyright in accordance with paragraph (d)(3) of the Rights in Data—General clause as prescribed for use at 927.409(a)(1), Patent Counsel shall predicate its decision on the considerations reflected in paragraph (e) of the clause at 970.5227–2 Rights in Data—Technology Transfer.

(b) *Subcontracts.* (1)(i) It is the responsibility of prime contractors and higher tier subcontractors, in meeting their obligations with respect to contract data, to obtain from their subcontractor the rights in, access to, and delivery of such data on behalf of the Government. Accordingly, subject to the policy set forth in this subpart, and subject to the approval of the contracting officer, where required, selection of appropriate technical data provisions for subcontracts is the responsibility of the prime contractors or higher-tier subcontractors. In many, but not all instances, use of the Rights in Technical Data clause of 48 CFR 52.227–14, as modified pursuant to 927.409(a)(1), in a subcontract will provide for sufficient Government rights in and access to technical data. The inspection rights afforded in Alternate V of that clause normally should be obtained only in first-tier subcontracts having as a purpose the conduct of research, development, or demonstration work or the furnishing of supplies for which there are substantial technical data requirements as reflected in the prime contract.

(ii) If a subcontractor refuses to accept technical data provisions affording rights in and access to technical data on behalf of the Government, the contractor shall so inform the contracting officer in writing and not proceed with the award of the subcontract without written authorization of the contracting officer.

(iii) In prime contracts (or higher-tier subcontracts) which contain the Additional Data Requirements clause at 48 CFR 52.227–16, it is the further responsibility of the contractor (or higher-tier subcontractor) to determine whether inclusion of such clause in a subcontract is required to satisfy technical data requirements of the prime contract (or higher-tier subcontract).

(2) As is the case for DOE in its determination of technical data requirements, the Additional Data Requirements clause at 48 CFR 52.227–16 should not be used at any subcontracting tier where the technical data requirements are fully known. Normally, the clause will be used only in subcontracts having as a purpose the conduct of research, development, or demonstration work. Prime contractors and higher-tier subcontractors shall not use their power to award subcontracts as economic leverage to acquire rights in the subcontractor's limited rights data or restricted computer software for their private use, and they shall not acquire rights to limited rights data or restricted computer software on behalf of the Government for standard commercial

items without the prior approval of Patent Counsel.

(c) *Contractor licensing.* In many contracting situations the achievement of DOE's objectives would be frustrated if the Government, at the time of contracting, did not obtain on behalf of responsible third parties and itself limited license rights in and to limited rights data or restricted computer software or both necessary for the practice of subject inventions or data first produced or delivered in the performance of the contract. Where the purpose of the contract is research, development, or demonstration, contracting officers should consult with program officials and Patent Counsel to consider whether such rights should be acquired. No such rights should be obtained from a small business or non-profit organization, unless similar rights in background inventions of the small business or non-profit organization have been authorized in accordance with 35 U.S.C. 202(f). In all cases when the contractor has agreed to include a provision assuring commercial availability of background patents, consideration should be given to securing for the Government and responsible third parties at reasonable royalties and under appropriate restrictions, co-extensive license rights for data which are limited rights data and restricted computer software. When such license rights are deemed necessary, the Rights in Data-General clause at 48 CFR 52.227–14 should be supplemented by the addition of Alternate VI as provided at 952.227–14. Alternate VI will normally be sufficient to cover limited rights data and restricted computer software for items and processes that were used in the contract and are necessary in order to insure widespread commercial use or practical utilization of a subject of the contract. The expression ''subject of the contract'' is intended to limit the licensing required in Alternate VI to the fields of technology specifically contemplated in the contract effort and may be replaced by a more specific statement of the fields of technology intended to be covered in the manner described in the patent clause at 952.227–13 pertaining to ''Background Patents.'' Where, however, limited rights data and restricted computer software cover the main purpose or basic technology of the research, development, or demonstration effort of the contract, rather than subcomponents, products, or processes which are ancillary to the contract effort, the limitations set forth in subparagraphs (k)(1) through (k)(4) of Alternate VI of 952.227–14 should be modified or deleted. Paragraph (k) of 952.227–14 further provides that limited rights data or restricted computer software may be specified in the contract as being excluded from or not subject to the licensing requirements thereof. This exclusion can be implemented by limiting the applicability of the provisions of paragraph (k) of 952.227–14 to only those classes or categories of limited rights data and restricted computer software determined as being essential for licensing. Although contractor licensing may be required under paragraph (k) of 952.227–14, the final resolution of questions regarding the scope of such licenses and the terms thereof, including provisions for confidentiality, and reasonable royalties, is then left to the negotiation of the parties.

(d) *Access to restricted data.* In contracts involving access to certain categories of DOE-owned Category C–24 restricted data, as set forth in 10 CFR part 725, DOE has reserved the right to receive reasonable compensation for the use of its inventions and discoveries, including its related data and technology. Accordingly, in contracts where access to such restricted data is to be provided to contractors, Alternate VII shall be incorporated into the rights in technical data clause of the contract. In addition, in any other types of contracting situations in which the contractor may be given access to restricted data, appropriate limitations on the use of such data must be specified.

■ 22. Add section 927.404–71 to read as follows:

927.404–71 Statutory programs.

Occasionally, Congress enacts legislation that authorizes or requires the Department to protect from public disclosure specific data first produced in the performance of the contract. Examples of such programs are ''the Metals Initiative'' and section 3001(d) of the Energy Policy Act. In such cases DOE Patent Counsel is responsible for providing the appropriate contractual provisions for protecting the data in accordance with the statute. Generally, such clauses will be based upon the Rights in Data-General clause prescribed for use at 927.409(a) with appropriate modifications to define and protect the ''protected data'' in accordance with the applicable statute. When contracts under such statutes are to be awarded, contracting officers must acquire from Patent Counsel the appropriate contractual provisions. Additionally, the contracting officer must consult with DOE program personnel and Patent Counsel to identify data first produced in the performance of the contract that will be recognized by the parties as protected data and what data will be made available to the public notwithstanding the statutory authority to withhold the data from public dissemination.

927.408 [Amended]

■ 23. Section 927.408 is amended by removing ''FAR'' and adding ''48 CFR'' in its place.

■ 24. Section 927.409 is amended by:

■ a. Revising the section heading as set forth below;

■ b. In paragraph (a)(1):

■ i. Removing ''substituting the following paragraph (a) and including the following paragraph'' and adding in its place ''adding the following paragraph'';

■ ii. Removing, in two places, ''(d)(3)'' and adding in its place ''(d)(4)''; and

■ iii. Removing '':'' and adding in its place ''.''.

■ c. Removing paragraph ''(a) Definitions'';

■ d. Redesignating paragraph (d)(3) as (d)(4); and

■ e. Redesignating paragraphs (s) as (l) and (t) as (m).

927.409 Solicitation provisions and contract clauses.

* * * * *

■ 25. Section 927.409 is further amended in the table below, for each paragraph (including newly redesignated paragraphs) indicated in the left column, remove the word indicated in the middle column from where it appears in the paragraph, and add the word in the right column:

Paragraph	Remove	Add
(d)(4)(2)(i) in 3 places, (d)(4)(2)(ii) in 2 places, (d)(4)(2)(iii), (iv) and (v); (h) in 3 places.	FAR	48 CFR.
(d)(4)(i)	(i)	(e).
(d)(4)(ii)	(j)	(f).
(d)(4)(iii)	(n)	(i).

Paragraph	Remove	Add
(d)(4)(v)	(l)	(h).
(d)(4)(vi)	927.402–1(b)	927.402(b).
(d)(4)(vii)	927.404–70	927.404–71.
(h)	FAR 27.406(b)	48 CFR 27.406–2(b).
(l)	FAR	48 CFR.

PART 952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 26. The authority citation for part 952 continues to read as follows:

Authority: 42 U.S.C. 2201; 2282a; 2282b; 2282c; 42 U.S.C. 7101 et seq.; 50 U.S.C. 2401 et seq.

952.227–9 [Amended]

■ 27. In section 952.227–9, introductory text, remove ''927.206–2'' and add in its place ''927.202–5''.

952.227–11 [Removed and Reserved]

■ 28. Section 952.227–11 is removed and reserved.

■ 29. Section 952.227–13 is amended by:

■ a. Revising the section heading;

■ b. Revising the clause heading;

■ c. Adding ''or'' to the end of paragraph (f)(ii);

■ d. Removing paragraph (k);

■ e. Redesignating paragraph (l) as (k) and paragraph (m) as (l); and

■ f. Adding ''Alternate I'' at the end of the section .

The revision and additions read as follows:

952.227–13 Patent rights-ownership by the Government.

* * * * *

PATENT RIGHTS—OWNERSHIP BY THE GOVERNMENT (XXX 20XX)

* * * * *

Alternate I (XXX 20XX). As prescribed in 927.302–70(c), insert Alternate I under special circumstances to provide for a right to require licensing of third parties to background inventions:

(m) *Background Patents.* (1) *Background Patent* means a domestic patent covering an invention or discovery which is not a subject invention and which is owned or controlled by the Contractor at any time through the completion of this contract—

(i) Which the Contractor, but not the Government, has the right to license to others without obligation to pay royalties thereon; and

(ii) Infringement of which cannot reasonably be avoided upon the practice of any specific process, method, machine, manufacture, or composition of matter (including relatively minor modifications thereof) which is a subject of the research, development, or demonstration work performed under this contract.

(2) The Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive license under any background patent for purposes of practicing a subject of this contract by or for the Government in research, development, and demonstration work only.

(3) The Contractor also agrees that upon written application by DOE, it will grant to responsible parties, for purposes of practicing a subject of this contract, nonexclusive licenses under any background patent on terms that are reasonable under the circumstances. If, however, the Contractor believes that exclusive rights are necessary to achieve expeditious commercial development or utilization, then a request may be made to DOE for DOE approval of such licensing by the Contractor.

(4) Notwithstanding paragraph (m)(3) of this clause, the contractor shall not be obligated to license any background patent if the Contractor demonstrates to the satisfaction of the Secretary of Energy or designee that—

(i) A competitive alternative to the subject matter covered by said background patent is commercially available or readily introducible from one or more other sources; or

(ii) The Contractor or its licensees are supplying the subject matter covered by said background patent in sufficient quantity and at reasonable prices to satisfy market needs, or have taken effective steps or within a reasonable time are expected to take effective steps to so supply the subject matter.

(End of alternate)

952.227–13 and 952.227–14 [Amended]

■ 30. Sections 952.227–13 and 952.227–14 are amended in the tables below:

■ a. For each section indicated in the left column (including newly redesignated sections), remove the word(s) indicated in the middle column from where it appears in the section, and add the word(s) in the right column:

Section	Remove	Add
952.227–13(d)(4)(vi)	contractor	Contractor.
952.227–13(d)(4)(vii) in three places	contractor	Contractor.
952.227–13(e)(5)	FAR	48 CFR.
952.227–13(h)(1) in three places	contractor	Contractor.
952.227–13(h)(1)	48 CFR 952.227–11	48 CFR 52.227–11.
952.227–13(h)(5)	contractor	Contractor.
	contracting officer	Contracting Officer.
952.227–13(l)(2)	(m)(1)	(l)(1).
952.227–13(l)(3)	paragraph (m)	paragraph (l).
952.227–14 Alternate VI introductory text	48 CFR 927.404(l)	927.404–70(c),
952.227–14 Alternate VI, in the first sentence	contractor	Contractor.
952.227–14 Alternate VII second sentence	FAR	48 CFR.

■ b. For each section indicated in the left column (including newly redesignated sections), remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Section	Remove	Add
952.227–13(d)(4)(i)	:	—
952.227–13(d)(4)(i)(A)	,	;
952.227–13(d)(4)(v)	:	—

Section	Remove	Add
952.227–13(l)(1)	:	—
952.227–13(l)(2)	:	—
952.227–14 Alternate VI introductory text	.	:
952.227–14 Alternate VI(k), ending punctuation	:	—
952.227–14 Alternate VII introductory text	.	:

952.227–82 [Removed and Reserved]

■ 31. Section 952.227–82 is removed and reserved.

952.227–84 [Amended]

■ 32. For each section indicated in the left column, remove the word(s) indicated in the middle column from where it appears in the section, and add the word(s) in the right column:

Section	Remove	Add
952.227–84 introductory text	48 CFR 927.409(t)	927.409(m).
952.227–84 provision	DEAR 952.227–11	48 CFR 52.227–11.
952.227–84 provision, in two places	contractor	Contractor.

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

■ 33. The authority citation for part 970 continues to read as follows:

Authority: 42 U.S.C. 2201; 2282a; 2282b; 2282c; 42 U.S.C. 7101 et seq.; 50 U.S.C. 2401 et seq.

■ 34. Section 970.2701–1 is revised to read as follows:

970.2701–1 Applicability.

This subpart applies to negotiation of patent rights, rights in technical data provisions and other related provisions for the Department of Energy contracts for the management and operation of DOE's sites or facilities, including the conduct of research and development and nuclear weapons production, and contracts which involve major, long-term or continuing activities conducted at a DOE site, including decontamination and decommissioning activities.

■ 35. Section 970.2702 is amended by revising the section heading to read as follows:

970.2702 Patents and copyrights.

* * * * *

970.2702–1 [Redesignated as 970.2702–1–2]

■ 36. Section 970.2702–1 is redesignated as section 970.2702–1–2, and newly redesignated section 970.2702–1–2 is revised to read as follows:

970.2702–1–2 Solicitation provision and contract clauses.

(a) *Authorization and consent.* Contracting officers must include the clause at 970.5227–4, Authorization and Consent, instead of the clause at 48 CFR 52.227–1.

(b) *Notice and assistance regarding patent and copyright infringement.* Contracting officers must include the clause at 970.5227–5, Notice and Assistance Regarding Patent and Copyright Infringement, instead of the clause at 48 CFR 52.227–2.

(c) *Patent indemnity.* (i) Contracting officers must include the clause at 970.5227–6, Patent Indemnity-Subcontracts, to assure that subcontracts appropriately address patent indemnity.

(ii) Normally, the clause at 48 CFR 52.227–3 would not be appropriate for an M&O contract; however, if there is a question, such as when the mission of the contractor involves production, the contracting officer must consult with local patent counsel and use the clause where appropriate.

(d) *Rights to proposal data.* Contracting officers must include the clause at 48 CFR 52.227–23, Rights to Proposal Data, in all solicitations and contracts for the management and operation of DOE sites and facilities.

(e) *Notice of right to request patent waiver.* Contracting officers must include the provision at 970.5227–9 in all solicitations for contracts for the management and operation of DOE sites or facilities.

(f) *Royalties.* Contracting officers must include the solicitation provision at 970.5227–7, Royalty Information, and the clause at 970.5227–8, Refund of Royalties instead of the provision at 48 CFR 52.227–8 and the clause at 48 CFR 52.227–9, respectively.

970.2702–2, 970.2702–3, 970.2702–4, 970.2702–5 and 970.2702–6 [Removed]

■ 37. Sections 970.2702–2, 970.2702–3, 970.2702–4, 970.2702–5 and 970.2702–6 are removed.

970.2703–1 [Redesignated]

■ 38. Section 970.2703–1 is redesignated as section 970.2703–70–1.

970.2703–2 [Redesignated and Amended]

■ 39. Section 970.2703–2 is redesignated as section 970.2703–70–2, and newly redesignated section 970.2703–70–2 is amended by:

■ a. Revising the section heading to read as set forth below;

■ b. Adding in paragraph (a), first sentence, after ''educational institution'', '', small business''; and

■ c. Removing in paragraph (g), in 3 places, ''Alternate 1'' and adding in their places, ''Alternate I''.

■ 40. Section 970.2704 is amended by revising the section heading to read as follows:

970.2704 Rights in data and copyrights.

* * * * *

970.2704–1 [Redesignated and Amended]

■ 41. Section 970.2704–1 is redesignated as section 970.2704–70–1, and paragraph (a) is amended by:

■ a. Adding in the second sentence after ''statutory missions'' '', including those set forth in the Energy Policy Act of 2005,''; and

■ b. Removing ''48 CFR'' in four places.

970.2704–2 [Redesignated and Amended]

■ 42. Section 970.2704–2 is redesignated as section 970.2704–70–2, and newly redesignated section 970.2704–70–2 is amended by:

■ a. Adding at the end of paragraph (a), a new sentence;

■ b. Removing in paragraphs (b) and (c)(1), ''Additional Technical Data Requirements'' and adding in its place ''Additional Data Requirements''; and

■ c. Revising the last sentence in paragraph (e).

The revision and additions read as follows:

970.2704–70–2 Procedures.

(a) * * * For Research and Development Contracting, requirements for R&D results conveyed in scientific and technical information are addressed in section 935.010 and should be set forth as part of the contract.

Requirements are further addressed in DOE Order 241.1B, or its successor version, which sets forth requirements for scientific and technical information.

* * * * *

(e) * * * The clause at 970.5227–2, Rights in Data-Technology Transfer, provides for DOE approval of DOE's taking a limited copyright license during the period in which the copyrighted data is being commercialized. The contractor must notify DOE (Patent Counsel and OSTI) when commercial activity ceases.

* * * * *

970.2704–70–2 [Amended]

■ 43. Newly redesignated section 970.2704–70–2, is further amended in the table below, for each paragraph indicated in the left column, remove the word(s) in the middle column from where it appears in the paragraph, and add the word(s) in the right column:

Paragraph	Remove	Add
(c)(1) in 2 places	48 CFR 970.5227–1	970.5227–1
(c)(1)	48 CFR 970.5227–2	970.5227–2
	DEAR 927.409	927.409
(c)(2)	927.404–70	927.404–71
(d)(1)	48 CFR 970.5227–1	970.5227–1
	48 CFR 970.5227–2	970.5227–2
(d)(2)	48 CFR 952.227–14	952.227–14
	48 CFR 970.5227–1	970.5227–1
	48 CFR 970.5227–2	970.5227–2
(e) in first instance	48 CFR 970.5227–2	970.5227–2
(e)	48 CFR 970.5227–1	970.5227–1
(f)	48 CFR 970.5227–3	970.5227–3
	48 CFR 970.5227–2	970.5227–2

970.2704–3 [Redesignated and Amended]

■ 44. Section 970.2704–3 is redesignated as 970.2704–70–3, and newly redesignated section 970.2704–70–3 is amended by:

■ (a) Adding a sentence to the end of paragraphs (a) and (b); and

■ (b) Removing, in paragraph (a), ''48 CFR''.

The additions read as follows:

970.2704–70–3 Contract clauses.

(a) * * * The contracting officer shall include the clause with its Alternate II in contracts where government facilities are being constructed, modified, or in decontamination and decommissioning, and it is anticipated that further solicitation may be required to complete the project.

(b) * * * The contracting officer shall include the clause with its Alternate II in contracts where government facilities are being constructed, modified, or in decontamination and decommissioning, and it is anticipated that further solicitation may be required to complete the project.

■ 45. Section 970.5227–1 is amended by:

■ a. Removing ''48 CFR 970.2704–3(a)'' from the introductory text and adding in its place ''48 CFR 970.2704–70–3(a)'';

■ b. Revising the clause heading;

■ c. Removing the paragraph designation numbers for paragraphs (a)(1) through (a)(7) ;

■ d. Adding new paragraphs (b)(4) and (c)(3); and

■ e. Adding Alternate II at the end of the section.

The revisions and additions read as follows:

970.5227–1 Rights in data-facilities.

* * * * *

RIGHTS IN DATA—FACILITIES (XXX 20XX)

* * * * *

(b) * * *

(4) In the performance of DOE contracted obligations, each contractor is required to manage scientific and technical information (STI) produced under the contract as a direct and integral part of the work and ensure its broad availability to all customer segments by making STI available to DOE's central STI coordinating office, the Office of Scientific and Technical Information (OSTI). All such information is reportable to OSTI, whether it is publicly releasable, controlled unclassified information, or classified, unless specifically excluded under contract.

(c) * * *

(3) If the Contractor has not been granted permission to copyright technical data or computer software first produced under the contract, and if the Government desires to obtain copyright in such data and computer software, the Contracting Officer may direct the Contractor to establish claim to copyright in such data or computer software and to assign such copyright to the Government or its designated assignee.

* * * * *

Alternate II (XXX 20XX). As prescribed in 970.2704–70–3(a), where government facilities are being constructed, modified, or in decontamination and decommissioning, and it is anticipated that further solicitation may be required to complete the project, insert paragraph (f) in the Limited Rights Notice of the basic clause: (f) This ''limited rights data'' may be disclosed in future solicitations for the continuation or completion of the work contemplated under this contract under the restriction that the ''limited rights data'' be retained in confidence and not be further disclosed.

970.5227–1 [Amended]

■ 46. Section 970.5227–1 is further amended in the tables below:

■ a. For each paragraph indicated in the left column, remove the word(s) in the middle column from where it appears in the paragraph, and add the word(s) in the right column:

Paragraph	Remove	Add
(b)(1)(iv) in three places, and Alternate I	contracting officer	Contracting Officer.
(b)(1)(i), (b)(1)(ii), (b)(1)(iii), (b)(1)(iv) in two places, (b)(1)(v), (b)(2)(ii) in three places, (b)(3), (e) in two places, (e) Limited Rights Notice paragraph (c), (f)(1) in two places, and (f)(3).	Contract	contract.
(c)	Copyrighted Material	Copyrighted material.
(d)(1)	48 CFR Subpart 27.4	48 CFR subpart 27.4.
(d)(1), in the last sentence	contractor	Contractor.
(d)(1), (d)(2)(i), (d)(2)(ii)	contracting officer	Contracting Officer.

Paragraph	Remove	Add
Alternate I introductory text	48 CFR 970.2704–3(a). 48 CFR 970.5227–1	970.2704–70–3(a) 970.5227–1.

■ b. For each paragraph indicated in the left column, remove the punctuation mark in the middle column from where it appears in the paragraph, and add the punctuation mark in the right column:

Paragraph	Remove	Add
At the end of introductory text for paragraphs (b)(1), (b)(2), (d)(2) and (e); (f) Restricted Rights Notice-Long Form (b)	:	—

■ 47. Section 970.5227–2 is amended by:
■ a. Revising the introductory text and clause date;
■ b. Revising paragraph (a);
■ c. Revising paragraph (b)(1) introductory text;
■ d. Revising paragraph (b)(1)(iv);
■ e. Revising paragraph (b)(2)(ii);
■ f. Adding new paragraph (b)(4);
■ g. Adding new paragraph (c)(3);
■ h. Revising paragraphs (e)(1) introductory text and (e)(1)(iii);
■ i. Adding paragraph (e)(1)(iv);
■ j. Revising paragraph (e)(2);
■ k. Revising paragraph (e)(3);
■ l. Removing in paragraph (e)(5), the first word in the paragraph, ''a'', and adding in its place ''A'';
■ m. Redesignating paragraphs (f) through (i) as (g) through (j);
■ n. Adding a new paragraph (f);
■ o. Revising newly redesignated paragraph (g)(1);
■ p. Revising the heading of newly redesignated paragraph (h); and
■ q. Adding new Alternate II at the end of the section.

The additions and revisions read as follows:

970.5227–2 Rights in data-technology transfer.

As prescribed in 970.2704–70–3(b), insert the following clause:

*** * * (XXX 20XX)**

(a) *Definitions.*

Assistant General Counsel for Technology Transfer and Intellectual Property is the senior intellectual property counsel for the Department of Energy, as distinguished from the NNSA Patent Counsel, and, where used in this clause, indicates that the authority for the activity(ies) being described belongs to DOE.

Computer data bases, as used in this clause, means a collection of data in a form capable of, and for the purpose of, being stored in, processed, and operated on by a computer. The term does not include computer software.

Computer software, as used in this clause, means (i) computer programs which are data comprising a series of instructions, rules, routines, or statements, regardless of the media in which recorded, that allow or cause a computer to perform a specific operation or series of operations and (ii) data comprising source code listings, design details, algorithms, processes, flow charts, formulae, and related material that would enable the computer program to be produced, created, or compiled. The term does not include computer data bases.

Data, as used in this clause, means recorded information, regardless of form or the media on which it may be recorded. The term includes technical data and computer software. The term ''data'' does not include data incidental to the administration of this contract, such as financial, administrative, cost and pricing, or management information.

Department of Energy (DOE), as used in this clause, includes the National Nuclear Security Administration (NNSA), unless otherwise identified or indicated.

Limited rights data, as used in this clause, means data, other than computer software, developed at private expense that embody trade secrets or are commercial or financial and confidential or privileged. The Government's rights to use, duplicate, or disclose limited rights data are as set forth in the Limited Rights Notice of paragraph (h) of this clause.

Open source software, as used in this clause, means computer software that is distributed under a license in which the user is granted the right to use, copy, modify, prepare derivative works and distribute, in source code or other format, the software, in original or modified form and derivative works thereof, without having to make royalty payments. *Patent Counsel* means the DOE or NNSA Patent Counsel assisting the contracting activity.

Restricted computer software, as used in this clause, means computer software developed at private expense and that is a trade secret; is commercial or financial and is confidential or privileged; or is published copyrighted computer software, including minor modifications of any such computer software. The Government's rights to use, duplicate, or disclose restricted computer software are as set forth in the Restricted Rights Notice of paragraph (i) of this clause.

Technical data, as used in this clause, means recorded data, regardless of form or characteristic, that are of a scientific or technical nature. Technical data does not include computer software, but does include manuals and instructional materials and technical data formatted as a computer data base.

Unlimited rights, as used in this clause, means the rights of the Government to use, disclose, reproduce, prepare derivative works, distribute copies to the public, including by electronic means, and perform publicly and display publicly, in any manner, including by electronic means, and for any purpose whatsoever, and to have or permit others to do so.

(b) *Allocation of rights.* (1) The Government shall have—

* * * * *

(iv) The right to have all technical data and computer software first produced or specifically used in the performance of this contract delivered to the Government or otherwise disposed of by the Contractor, either as the Contracting Officer may from time to time direct during the progress of the work or in any event as the Contracting Officer shall direct upon completion or termination of this contract. When delivering all contractor produced computer software to the Energy Science and Technology Software Center (ESTSC) in the DOE Office of Scientific and Technical Information (OSTI), the Contractor shall submit a complete package as prescribed in paragraph (e)(3) of this clause. The Contractor agrees to leave a copy of such data at the facility or plant to which such data relate, and to make available for access or to deliver to the Government such data upon request by the Contracting Officer. If such data are limited rights data or restricted computer software, the rights of the Government in such data shall be governed solely by the provisions of paragraph (g) of this clause (''Rights in Limited Rights Data'') or paragraph (h) of this clause (''Rights in Restricted Computer Software''); and

* * * * *

(2) * * *

(ii) The right to use for its private purposes, subject to patent, security or other provisions of this contract, data it first produces in the performance of this contract, except for data in DOE's Uranium Enrichment Technology, including diffusion, centrifuge, atomic vapor laser isotope separation, and except restricted data category C–24, 10 CFR part 725, provided the data requirements of this contract have been met as of the date of the private use of such data; and

* * * * *

(4) In the performance of DOE contracted obligations, each contractor is required to

manage scientific and technical information (STI) produced under the contract as a direct and integral part of the work and ensure its broad availability to all customer segments by making STI available to DOE's central STI coordinating office, the Office of Scientific and Technical Information (OSTI). All such information is reportable to OSTI, whether it is publicly releasable, controlled unclassified information, or classified, unless specifically excluded under contract.

(c) * * *

(3) If the Contractor has not been granted permission to copyright data or computer software first produced under the contract where such permission is necessary, i.e., for works other than scientific and technical journal articles and data produced under a CRADA, and if the Government desires to obtain copyright in such data or computer software, the Contracting Officer may direct the Contractor to establish claim to copyright in such data or computer software and to assign such copyright to the Government or its designated assignee.

* * * * *

(e) * * *

(1) *Contractor request to assert copyright.*

* * * * *

(iii) Permission for the Contractor to assert copyright in excepted categories of data as determined exclusively by DOE will be expressly withheld. Such excepted categories include data whose release—

(A) Would be detrimental to national security, i.e., involve classified information or data or sensitive information under Section 148 of the Atomic Energy Act of 1954, as amended, or are subject to export control for nonproliferation and other nuclear-related national security purposes;

(B) Would not enhance the appropriate transfer or dissemination and commercialization of such data;

(C) Would have a negative impact on U.S. industrial competitiveness;

(D) Would prevent DOE from meeting its obligations under treaties and international agreements; or

(E) Would be detrimental to one or more of DOE's programs.

(iv) Additional excepted categories may be added by the Assistant General Counsel for Technology Transfer and Intellectual Property. Where data are determined to be under export control restriction, the Contractor may obtain permission to assert copyright subject to the provisions of this clause for purposes of limited commercialization in a manner that complies with export control statutes and applicable regulations. In addition, notwithstanding any other provision of this contract, all data developed with Naval Reactors' funding and those data that are classified fall within excepted categories. The rights of the Contractor in data are subject to the disposition of data rights in the treaties and international agreements identified under this contract as well as those additional treaties and international agreements which DOE may from time to time identify by unilateral amendment to the contract; such amendment listing added treaties and international agreements is effective only for data which is developed after the date such treaty or international agreement is added to this contract. Also, the Contractor will not be permitted to assert copyright in data in the form of various technical reports generated by the Contractor under the contract without first obtaining the advanced written permission of the Contracting Officer.

(2) *Patent Counsel Review and Response to Contractor's Request.* The Patent Counsel shall use its reasonable best efforts to respond in writing within 60 days of receipt of a complete request by the Contractor to assert copyright in technical data and computer software pursuant to this clause. Such response shall either give or withhold Patent Counsel's permission for the Contractor to assert copyright or advise the Contractor that Patent Counsel needs additional time to respond, and the reasons therefore. If Patent Counsel grants permission for the Contractor to assert copyright in computer software, the permission extends to subsequent versions with the same name that incorporates the same functions of the original program, unless otherwise directed.

(3) *Permission for contractor to assert copyright.* (i) For computer software, the Contractor shall furnish to the DOE's ESTSC, at the time permission to assert copyright is given under paragraph (e)(2) of this clause—

(A) Announcement information/metadata contained in the Software Announcement Notice 241.4;

(B) The source code and/or executable file for each software program; and

(C) Documentation, if any, which may consist of a user manual, sample test cases, or similar information, needed by a technically competent user to understand and use the software (whether included on the software media itself or provided in a separate file or in paper format).

(ii) The Contractor acknowledges that the DOE designated software distribution and control point may provide a technical description of the software in an announcement identifying its availability from the copyright holder.

(iii) Unless otherwise directed by the Contracting Officer, for data other than computer software to which the Contractor has received permission to assert copyright under paragraph (e)(2) of this clause, the Contractor shall within sixty (60) days of obtaining such permission furnish to DOE's OSTI a copy of such data as well as an abstract of the data suitable for dissemination purposes. The Contractor acknowledges that OSTI may provide an abstract of the data in an announcement to DOE, its contractors and to the public identifying its availability from the copyright holder.

(iv) During the period in which commercialization activities pertaining to the copyrighted data are continuing, or for a specified period of time prescribed by Patent Counsel, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable worldwide license in such copyrighted data to reproduce, prepare derivative works and perform publicly and display publicly, by or on behalf of the Government.

(v) When the Contractor abandons commercialization activities pertaining to the data to which the Contractor has been given permission to assert copyright or at the end of the specified periods as prescribed by Patent Counsel, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable worldwide license in such copyrighted data to reproduce, distribute copies to the public, prepare derivative works, perform publicly and display publicly, and to permit others to do so.

(vi) At any time the Contractor abandons commercialization activities for data for which the Contractor has received permission to assert copyright in accordance with this clause, it shall advise OSTI and Patent Counsel and upon request assign the copyright to the Government so that the Government can distribute the data to the public. When the Contractor abandons commercialization activities, the Contractor will provide to the ESTSC the latest version of the copyrighted data (for example, source code, object code, minimal support documentation, drawings or updated manuals.) In addition, the Contractor will provide annually to Patent Counsel, if requested, a list of all copyrighted data that the Contractor has abandoned commercial licensing activity during that year. If requested, the Contractor will provide annually to Patent Counsel a list of all copyrighted data that the Contractor has abandoned commercial licensing activity during that year.

(vii) Whenever the Contractor asserts copyright in data pursuant to this paragraph (e), the Contractor shall affix the applicable copyright notice of 17 U.S.C. 401 or 402 on the copyrighted data and also an acknowledgment of the Government sponsorship and license rights of paragraphs (e)(3)(iv) and (v) of this clause. Such action shall be taken when the data are delivered to the Government, published, licensed or deposited for registration as a published work in the U.S. Copyright Office. The acknowledgment of Government sponsorship and license rights shall be as follows: Notice: These data were produced by (insert name of Contractor) under Contract No. _____ with the Department of Energy. During the period of commercialization or such other time period as specified by DOE, the Government is granted for itself and others acting on its behalf a nonexclusive, paid-up, irrevocable worldwide license in this data to reproduce, prepare derivative works, and perform publicly and display publicly, by or on behalf of the Government. Subsequent to that period, the Government is granted for itself and others acting on its behalf a nonexclusive, paid-up, irrevocable worldwide license in this data to reproduce, prepare derivative works, distribute copies to the public, perform publicly and display publicly, and to permit others to do so. The specific term of the license can be identified by inquiry made to Contractor or DOE. Neither the United States nor the United States Department of Energy, nor any of their employees, makes any warranty, express or implied, or assumes any legal liability or responsibility for the accuracy, completeness, or usefulness of any data, apparatus, product, or process disclosed, or represents that its use would not infringe privately owned rights.

(End of notice)

(viii) With respect to any data to which the Contractor has received permission to assert copyright, the DOE has the right, during the period that Contractor is commercializing the software as provided for in paragraph (e)(3)(iv) of this clause, to request the Contractor to grant a nonexclusive, partially exclusive or exclusive license in any field of use to a responsible applicant(s) upon terms that are reasonable under the circumstances, and if the Contractor refuses such request, to grant such license itself, if the DOE determines that the Contractor has not made a satisfactory demonstration that either it or its licensee(s) is actively pursuing commercialization of the data as set forth in paragraph (e)(1)(i) of this clause. Before licensing under paragraph (e)(3)(vi) of this clause, DOE shall furnish the Contractor a written request for the Contractor to grant the stated license, and the Contractor shall be allowed thirty (30) days (or such longer period as may be authorized by the contracting officer for good cause shown in writing by the Contractor) after such notice to show cause why the license should not be granted. The Contractor shall have the right to appeal the decision of the DOE to grant the stated license to the Invention Licensing Appeal Board as set forth in 10 CFR 781.65—''Appeals''.

(ix) No costs shall be allowable for maintenance of copyrighted data, primarily for the benefit of the Contractor and/or a licensee which exceeds DOE Program needs, except as expressly provided in writing by the contracting officer. The Contractor may use its net royalty income to effect such maintenance costs.

(x) At any time the Contractor abandons commercialization activities for data for which the Contractor has received permission to assert copyright in accordance with this clause, it shall advise OSTI and Patent Counsel and upon request assign the copyright to the Government so that the Government can distribute the data to the public.

* * * * *

(f) *Open software source.* The Contractor may release computer software first produced by the Contractor in the performance of this contract under an open source software license. Such software shall hereinafter be referred to as open source software or OSS, subject to the following:

(1) *DOE Program notice for copyright assertion for OSS.* (i) The Contractor shall provide written notice to each DOE Program or Programs that have provided a substantial portion of the funding (funding source(s)) to develop the software that the Contractor intends to release as OSS unless the funding Program(s) has previously provided blanket approval for all software developed with funding from that Program or a specific DOE project stipulates the software to be released as OSS. If Program has neither consented nor objected to the assertion of copyright within two weeks of such written notification, the Contractor may assert copyright in the software with Patent Counsel approval. If notification of funding DOE Program(s) is not practicable, the Contractor shall consult with Patent Counsel, which may provide approval. For software developed under a CRADA, User Facility Agreement, or WFO Agreement, authorization from the CRADA Participant(s) or User Facility User(s), or WFO Sponsor(s), as applicable, shall be additionally obtained for OSS release.

(ii) If the software is developed with funding from a federal government agency or agencies (funding source(s)) other than DOE, then authorization from all the funding agency(ies) shall be obtained for OSS release, if practicable. Such federal government agency(ies) may provide blanket approval for all software developed with funding from that agency(ies). However, OSS release of any one of such software shall be subject to approval by all other funding sources for the software, if any. If approval from such federal government agency(ies) is not practicable, the Patent Counsel may provide approval instead.

(2) *Assert copyright in the OSS.* Once the Contractor has met the program approval requirements set forth in paragraph (f)(1) of this clause, copyright in the software to be distributed as OSS may be asserted by the Contractor, or, for OSS developed under a CRADA, User Facility Agreement, or WFO Agreement, either by the Contractor, CRADA Participant, User Facility User, or WFO Sponsor, as applicable, which precludes marking such OSS as protectable from public distribution.

(3) *Submit Software Announcement Notice 241.4 to ESTSC.* The Contractor must submit Software Announcement Notice (AN) 241.4 (or the current notice as may be required by DOE) to DOE's ESTSC. In the AN 241.4, the Contractor shall provide the unique URL (i.e. a persistent identifier) from which the software can be obtained so that ESTSC can announce the availability of the OSS and the public has access via the URL.

(4) *Maintain OSS record.* The Contractor must maintain a record, available for inspection by DOE, of software distributed as OSS. Upon request of the Patent Counsel, the Contractor shall provide the Patent Counsel a copy of the record. The record shall contain the following information—

(i) Name of the computer software (or other identifier);

(ii) An abstract with description or purpose of the software;

(iii) Evidence of the funding source's approval or compliance with notification procedure in paragraph (f)(1) of this clause;

(iv) The planned or actual OSS location on the Contractor's Web page or other publicly available location (see paragraph (f)(5) of this clause);

(v) Any names, logos or other identifying marks used in connection with the OSS, whether or not registered;

(vi) The type of OSS license used; and

(vii) A release version of the software for OSS containing derivative works.

(5) *Provide public access to the OSS.* The Contractor shall ensure that the OSS is publicly accessible as an open source via the Contractor's Web site, Open Source Bulletin Boards operated by third parties, DOE, or other industry methods.

(6) *Select an OSS license.* Each OSS will be distributed pursuant to an OSS license. The Contractor may choose among industry standard OSS licenses or create its own set of Contractor standard licenses. To assist the Contractor, the Assistant General Counsel for Technology Transfer and Intellectual Property, may periodically issue guidance on OSS licenses. Each Contractor-created OSS license, must contain, at a minimum, the following provisions—

(i) A disclaimer or equivalent that disclaims the Government's and Contractor's liability for licensees' and third parties' use of the software; and

(ii) A grant of permission for licensee to distribute OSS containing the licensee's derivative works. This provision may allow the licensee and third parties to commercialize their derivative works or might request that the licensee's derivative works be forwarded to the Contractor for incorporation into future OSS versions.

(7) Collection of administrative costs is permissible. However, the Contractor may not collect a royalty or other fee in excess of a good faith amount for cost recovery from any licensee for the Contractor's OSS.

(8) *Relationship to other required clauses in the contract.* OSS distributed in accordance with this section shall not be subject to the requirements relating to indemnification of the Contractor or Federal Government, U.S. Competitiveness and U.S. Preference, as set forth in paragraphs (g) and (h) of the clause within this contract entitled Technology Transfer Mission (48 CFR 970.5227–3). The requirement for the Contractor to request permission to assert copyright for the purpose of engaging in licensing software for royalties, as set forth elsewhere in this clause, is not modified by this section.

(9) *Government license.* For all OSS, the Contractor grants to the Government, and others acting on its behalf, a paid-up, nonexclusive, irrevocable worldwide license in data copyrighted in accordance with paragraph (f)(2) of this clause to reproduce, distribute copies to the public, prepare derivative works, perform publicly and display publicly, and to permit others to do so.

(10) *Contractor abandons OSS.* If the Contractor ceases to make OSS publicly available, then the Contractor shall submit to ESTSC the object code and source code of the latest version of the OSS developed by the Contractor in addition to a revised Announcement Notice 241.4 (which includes an abstract) and the Contractor shall direct any inquiries from third parties seeking to obtain the original OSS to ESTSC.

(g) *Subcontracting.* (1) Unless otherwise directed by the Contracting Officer, the Contractor agrees to use, in subcontracts in which technical data or computer software is expected to be produced or in subcontracts for supplies that contain a requirement for production or delivery of data in accordance with the policy and procedures of 48 CFR subpart 27.4 (as supplemented by 48 CFR 927.400 through 48 CFR 927.409), the clause ''Rights in Data-General'' at 48 CFR 52.227–14 modified in accordance with 48 (CFR 927.409(a). The Contractor shall include Alternate V of 48 CFR 52.227–14, however, Alternates II through IV may be included as appropriate with the prior approval of the

Patent Counsel. The Contractor shall not acquire rights in a subcontractor's limited rights data or restricted computer software, except through the use of Alternates II or III, respectively, without the prior approval of the Patent Counsel. The clause at 48 CFR 52.227–16, ''Additional Data Requirements'', shall be included in subcontracts in accordance with 48 CFR 927.409(h). In subcontracts, including subcontracts for related support services, involving the design or operation of any plants or facilities or specially designed equipment for such plants or facilities that are managed or operated under its with DOE, the Contractor shall instead use the ''Rights in Data-Facilities'' clause at 48 CFR 970.5227–1.

* * * * *

(h) *Rights in limited rights data.* * * *

Alternate II (XXX 20XX). As prescribed in 970.2704–70–3(b), where government facilities are being constructed, modified, or in decontamination and decommissioning, and it is anticipated that further solicitation may be required to complete the project, insert paragraph (f) in the Limited Rights Notice of the basic clause: (f) This ''limited rights data'' may be disclosed in future solicitations for the continuation or completion of the work contemplated under this contract under the restriction that the ''limited rights data'' be retained in confidence and not be further disclosed.

(End Clause)

970.5227–2 [Amended]

■ 48. Section 970.5227–2 is further amended in the tables below:

■ a. For each paragraph (including newly redesignated paragraphs) indicated in the left column, remove the word(s) in the middle column from where it appears in the paragraph, and add the word(s) in the right column:

Paragraph	Remove	Add
(b)(1)(i), (b)(1)(ii) in two places, (b)(1)(iii), (b)(1)(v), (b)(2)(ii) in two places, (c)(2), (d)(1), (d)(2) in two places, (e), (e)(1)(i), (h), (h) in Limited Rights notice (c), and (i)(1) in two places.	Contract	contract.
(b)(1)(ii) in first instance	DOE	Patent Counsel.
(c)(1) and (2)	(d) and (e)	(d), (e) or (f).
(d)(1), (g)(2)(ii),	contracting officer	Contracting Officer.
(d)(2), (d)(3)	contractor	Contractor.
(e)(4)	Department of Energy	Patent Counsel.
	(c)(3)	(e)(3).
(e)(4) in two places in the Notice	Contract	contract.
(i)(3)	Contract	contract.
Alternate I	(DEC 2000)	(XXX 20XX).
	48 CFR 970.2704–3(b)	970.2704–70–3(b).
	48 CFR 970.5227–2	970.5227–2.

■ b. For each paragraph (including newly redesignated paragraphs) indicated in the left column, remove the punctuation mark in the middle column from where it appears in the paragraph, and add the punctuation mark in the right column:

Paragraph	Remove	Add
(b)(2), (e)(1)(i),	:	—
(e)(1)(i)(A), (B), (C), (D), (E)	,	;

■ 49. Section 970.5227–3 is amended by:

■ a. Removing ''48 CFR 970.2770–4(a)'' in the introductory text and adding in its place ''970.2770–4(a)'';

■ b. Revising the clause heading;

■ c. Removing in paragraph (a)(2), in two places, ''Intellectual Property'', and adding in its place ''intellectual property'';

■ d. Adding in paragraph (a)(2), in the last sentence, ''exchanges'' after ''personnel'';

■ e. Adding new paragraph (a)(3);

■ f. Revising paragraph (b);

■ g. Revising paragraphs (d) heading, (d)(1) and (d)(10);

■ h. Revising the heading of paragraph (f);

■ i. Adding in paragraph (f)(1)(ii)(B) ''or assigning to'' after ''licensing'', in the first occurrence and removing ''.'' and adding in its place '';'';

■ j. Adding new paragraphs (f)(1)(ii)(C) and (f)(1)(ii)(D);

■ k. Removing in paragraph (h)(1), ''75 percent'' and adding in its place ''15 percent'';

■ l. Removing the last sentence in paragraph (h)(2);

■ m. Adding in paragraph (h)(3), a new sentence to the end of the paragraph;

■ n. Adding in paragraph (j)(1), '', as amended, or is subject to export control for nonproliferation and other nuclear-related national security purposes.'', at the end of the first sentence;

■ o. In paragraph (n)(2)(ii):

■ i. Removing ''Intellectual Property'' and adding ''intellectual property'' in its place;

■ ii. Removing '';'' and adding in its place ''.''; and

■ iii. Adding three sentences to the end of the paragraph;

■ p. Adding two sentences to the end of paragraph (n)(3)(ii);

■ q. Revising the last sentence of paragraph (n)(4)(i);

■ r. Adding ''or'' to the end of paragraph (n)(5)(i)(A)(*1*);

■ s. Adding paragraph (p);

■ t. Revising Alternate I by removing all of paragraph (p); and

■ u. Revising Alternate I paragraph (q).

The additions and revisions read as follows:

970.5227–3 Technology transfer mission.

* * * * *

TECHNOLOGY TRANSFER MISSION (XXX 20XX)

(a) * * *

(3) *Trademarks and service marks.* The Contractor, with notification to DOE Patent Counsel, is authorized to protect goods/services resulting from work at the Laboratory through Trademark and Service Mark protection. The Laboratory name and associated logos are owned by the Department of Energy and shall be protected by DOE Patent Counsel. In furtherance of the technology transfer mission, should the Contractor want to assert trademark or service mark protection for any word, phrase, symbol, design, or combination thereof that includes or is associated with the Laboratory name, the Contractor must first notify the Department of Energy Patent Counsel. All marks, whether or not registered with the United States Patent and Trademark Office, are to be included in the ''Intellectual property rights'' paragraph (i) of this clause, below, regarding transfer to successor

contractor, DOE reserves the right to require the Contractor to cancel registration of the mark or cease use of the mark.

(b) *Definitions.*

Assignment means any agreement by which the Contractor transfers ownership of Laboratory Intellectual Property, subject to the Government's retained rights.

Bailment means any agreement in which the Contractor permits the commercial or non-commercial transfer of custody, access or use of laboratory biological materials or laboratory tangible research product for a specified purpose of technology transfer or research and development, including without limitation evaluation, and without transferring ownership to the bailee.

Contractor's Laboratory Director means the individual who has supervision over all or substantially all of the Contractor's operations at the Laboratory.

Cooperative Research and Development Agreement (CRADA) means any agreement entered into between the Contractor as operator of the Laboratory, and one or more parties including at least one non-Federal party under which the Government, through its laboratory, provides personnel, services, facilities, equipment, intellectual property, or other resources with or without reimbursement (but not funds to non-Federal parties) and the non-Federal parties provide funds, personnel, services, facilities, equipment, intellectual property, or other resources toward the conduct of specified research or development efforts which are consistent with the missions of the Laboratory; except that such term does not include a procurement contract, grant, or cooperative agreement as those terms are used in sections 6303, 6304, and 6305 of Title 31 of the United States Code.

Department of Energy (DOE), as used in this clause, includes the National Nuclear Security Administration (NNSA), unless otherwise identified or indicated.

Intellectual property means patents, trademarks, copyrights, mask works, protected CRADA information, and other forms of comparable property rights protected by Federal Law and other foreign counterparts.

Joint Work Statement (JWS) means a proposal for a CRADA prepared by the Contractor, signed by the Contractor's Laboratory Director or designee which describes the following—

(i) Purpose;

(ii) Scope of work which delineates the rights and responsibilities of the Government, the Contractor and third parties, one of which must be a non-Federal party;

(iii) Schedule for the work; and

(iv) Cost and resource contributions of the parties associated with the work and the schedule.

Laboratory biological materials means biological materials capable of replication or reproduction, such as plasmids, deoxyribonucleic acid molecules, ribonucleic acid molecules, living organisms of any sort and their progeny, including viruses, prokaryote and eukaryote cell lines, transgenic plants and animals, and any derivatives or modifications thereof or products produced through their use or associated biological products, made under this contract by Laboratory employees or through the use of Laboratory research facilities.

Laboratory tangible research product means tangible material results of research which—

(i) Are provided to permit replication, reproduction, evaluation or confirmation of the research effort, or to evaluate its potential commercial utility;

(ii) Are not materials generally commercially available; and

(iii) Were made under this contract by laboratory employees or through the use of laboratory research facilities.

Patent Counsel means the DOE or NNSA Patent Counsel assisting the contracting activity. The Patent Counsel is the first and primary point of contact for activities described in this clause.

* * * * *

(d) *Conflicts of interest-technology transfer.*

* * *

(1) Inform employees of and require conformance with standards of conduct and integrity in connection with research involving non-Federal sponsors and, for CRADA activity in accordance with the provisions of paragraph (n)(5) of this clause;

* * * * *

(10) Notify the Contracting Officer and the funding party or program prior to evaluating a proposal to be funded by a third party or a DOE program, when the subject matter of the proposal involves an elected or waived subject invention under this contract or one in which the Contractor intends to elect to retain title under this contract.

* * * * *

(f) *U.S. industrial competiveness for licensing and assignments of intellectual property.*

(1) * * *

(ii) * * *

(C) If the proposed licensee, assignee, or parent of either type of entity is subject to the control of a foreign company or government, the Contractor, with the assistance of the Contracting Officer, in considering the factors set forth in paragraph (f)(1)(ii)(B) of this clause, may rely upon the following information—

(*1*) U.S. Trade Representative Inventory of Foreign Trade Barriers;

(*2*) U.S. Trade Representative Special 301 Report; and

(*3*) Such other relevant information available to the Contracting Officer; and

(D) The Contractor should review the U.S. Trade Representative Web site at: *http://www.ustr.gov* for the most current versions of these reports and other relevant information. The Contractor is encouraged to utilize other available resources, as necessary, to allow for a complete and informed decision.

* * * * *

(h) * * *

(3) * * * The Contractor shall notify the Contracting Officer of any changes to that policy, and such changes, shall be subject to the approval of the Contracting Officer.

* * * * *

(n) * * *

(2) * * *

(ii) * * * The Contractor, in considering these factors, may rely upon the following information—

(A) U.S. Trade Representative Inventory of Foreign Trade Barriers,

(B) U.S. Trade Representative Special 301 Report, and

(C) Such other relevant information available to the Contracting Officer. The Contractor should review the U.S. Trade Representative Web site at *http://www.ustr.gov* for the most current versions of these reports and other relevant information. The Contractor is encouraged to utilize other available resources, as necessary, to allow for a complete and informed decision;

* * * * *

(3) * * *

(ii) * * * A final report, upon completion of a CRADA, shall be provided to DOE's Office of Scientific and Technical Information; reports marked as Protected CRADA Information will not be released to the public for a period up to five years, in accordance with the terms of the CRADA.

* * * * *

(4) * * *

(i) * * * The Contractor agrees to inform prospective CRADA participants, which are intending to substantially pay full cost recovery for the effort under a proposed CRADA, of the availability of alternative forms of agreements, i.e., WFO and UFA, and of the Class Patent Waiver provisions associated therewith.

* * * * *

(p) *Technology partnership ombudsman.*

(1) The Contractor agrees to establish a position to be known as ''Technology Partnership Ombudsman,'' to help resolve complaints from outside organizations regarding the policies and actions of the Contractor with respect to technology partnerships (including CRADAs), patents owned by the Contractor for inventions made at the laboratory, and technology licensing.

(2) The Ombudsman shall be a senior official of the Contactor's laboratory staff, who is not involved in day-to-day technology partnerships, patents or technology licensing, or, if appointed from outside the laboratory or facility, shall function as such senior official.

(3) The duties of the Technology Partnership Ombudsman shall include—

(i) Serving as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory or facility regarding technology partnerships, patents, and technology licensing;

(ii) Promoting the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low cost resolution of complaints and disputes, when appropriate; and

(iii) Submitting a quarterly report, in a format provided by DOE, to the Secretary of Energy, the Administrator for National Nuclear Security Administration, the Director of the DOE Office of Dispute Resolution, and the Contracting Officer concerning the number and nature of complaints and disputes raised, along with the Ombudsman's assessment of their

resolution, consistent with the protection of confidential and sensitive information.

* * * * *

ALTERNATE I * * *

(q) Nothing in paragraphs (c) Allowable costs, (e) Fairness of opportunity, (f) U.S. industrial competitiveness, (g) Indemnity—product liability, (h) Disposition of income, and (i) Transfer to successor contractor of this clause are intended to apply to the contractor's privately funded technology transfer activities if such privately funded activities are addressed elsewhere in the contract.

* * * * *

970.5227–3 [Amended]

■ 50. Section 970.5227–3 is further amended in the tables below:

■ a. For each paragraph indicated in the left column, remove the word indicated in the middle column from where it appears in the paragraphs, and add the word in the right column:

Paragraph	Remove	Add
(c) heading	*Allowable Costs*	*Allowable costs.*
(c)(1)	Contract	contract.
	contracting officer	Contracting Officer.
(c)(1) and (c)(2)	Intellectual Property	intellectual property.
(d) introductory text	other	all.
(d) introductory text in two places, (d)(6), (d)(7), (d)(8).	contracting officer	Contracting Officer.
(d)(2), (d)(4)	Contractor	contractor.
d)(2), (d)(4), (d)(6), (d)(7), (d)(8), and (d)(9)	Intellectual Property	intellectual property.
(d)(6) and (d)(7)	Contract	contract.
(e)	*Fairness of Opportunity*	*Fairness of opportunity.*
(f)(1), (f)(1)(ii)(B)	Intellectual Property	intellectual property.
(f)(1)(i), (f)(1)(ii)(A)	whether	Whether.
(f)(1)(i)	; or	; and.
(f)(1)(ii)(A)	; and	;
(f)(1)(ii)(B)	in	In.
(f)(1)(ii)(B)	licensing	licensing or assigning.
(f)(1)(ii)(B)	.	;
(f)(2) in two places,	contracting officer	Contracting Officer.
(g)	*Product Liability*	*product liability.*
	contracting officer	Contracting Officer.
(h) heading	*Disposition of Income*	*Disposition of income.*
(h)(1)	Contract	contract.
(h)(3) in two places	contracting officer	Contracting Officer.
(i) (i) in three places	Contract	contract.
	contracting officer	Contracting Officer.
(i) and (l)	Intellectual Property	Intellectual property.
(j)(1)	contracting officer	Contracting Officer.
(j)(2)	Technical Data	technical data.
(k), (l) and (m)	contracting officer	Contracting Officer.
(k) and (m)	contract	Contract.
(n) heading	*Technology Transfer Through Cooperative Research and Development Agreements.*	*Technology transfer through Cooperative Research and Development Agreements (CRADA).*
(n) introductory text	Joint Work Statement	joint work statement.
	contracting officer	Contracting Officer.
(n)(1)(i)	Intellectual Property	intellectual property.
(n)(1)(ii)	Fairness of Opportunity	fairness of opportunity.
(n)(1) in three places, (n)(1)(iii) in two places, (n)(1)(iv) in three places, (n)(3)(ii) in two places.	contracting officer	Contracting Officer.
(n)(2)(iii)	Fairness of Opportunity	fairness of opportunity.
(n)(2)(iv)	Conflicts of Interest	conflicts of interest.
(n)(3)(iii)	Intellectual Property	intellectual property.
	Contract	contract.
(n)(4) heading	*Work for others and user facility programs*	*Work for others (WFO) and user facility programs.*
(n)(4)(i)	form	inform.
(n)(4)(iii)	Contract	contract.
(n)(5)(i)(A)(1)	holds	Holds
	CRADA;	CRADA; or.
(n)(5)(i)(A)(2)	receives	Receives.
(n)(5)(ii), (n)(5)(iii) in two places	contracting officer	Contracting Officer.
(o)	contracting officer	Contracting Officer.
Alternate I	48 CFR 970.2770–4(b)	970.2770–4(b).
Alternate II	48 CFR 970.2770–4(c)	970.2770–4(c).

■ b. For each paragraph indicated in the left column, remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Paragraph	Remove	Add
(d) introductory text	to:	to—
(f)(1)	:	—
(n)(2)	:	—
(n)(2)(ii)	;	.
(n)(5)(i)	:	—
(n)(5)(i)(A)(1)	;	; or

970.5227–4, 970.5227–5, 970.5227–6, 970.5227–7, 970.5227–8, and 970.5227–9 [Amended]

■ 51. Amend sections 970.5227–4, 970.5227–5, 970.5227–6, 970.5227–7, 970.5227–8 and 970.5227–9 as follows in the table below:

■ a. For each section indicated in the left column, remove the word(s) indicated in the middle column from where it appears in the section, and add the word(s) in the right column:

Section	Remove	Add
970.5227–4, introductory text	970.2702–1	970.2701–1–2(a)(1).
970.5227–4(c)(1)	52.227–1	48 CFR 52.227–1.
970.5227–4(c)(1)	Alternate 1	Alternate I.
970.5227–5, introductory text	970.2702	970.2702–1–2(b).
970.5227–6	FAR 48 CFR 52.227–3	48 CFR 52.227–3.
970.5227–7, introductory text	970.2702–4	970.2702–2–5.
970.5227–7, paragraph (b)	Copies of current licenses.	*Copies of current licenses.*
970.5227–8, introductory text	970.2702–4	970.2702–2–5.
970.5227–8 (a) in two places, (d) and (e)	Contract	contract.
970.5227–9, introductory text	970.2704–6	970.2702–1–2(i).

■ b. For each section indicated in the left column, remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Section	Remove	Add
970.5227–7(a)	:	—
970.5227–8(a)	:	—

■ 52. Section 970.5227–10 is amended by:

■ a. Revising the section heading;

■ b. Removing ''970.2703–1(b)(2)'' in the introductory text and adding in its place, ''970.2703–70–1(b)(2)''.

■ c. Removing the paragraph designation numbers for paragraphs (a)(1) through (a)(9);

■ d. Revising paragraph (b)(2)(ii);

■ e. Adding new paragraphs (b)(2)(ii)(D) and (b)(2)(ii)(E);

■ f. Revising paragraph (c)(3); and

■ g. Adding, in paragraph (f)(3), before ''continue'', ''file an application,''.

The additions and revisions read as follows:

970.5227–10 Patent rights management and operating contracts, nonprofit organization or small business firm contractor.

* * * * *

PATENT RIGHTS—MANAGEMENT AND OPERATING CONTRACTS, NONPROFIT ORGANIZATION OR SMALL BUSINESS FIRM CONTRACTOR (XXX 20XX)

* * * * *

(b) * * *

(2) * * *

(ii) As determined by the DOE, inventions made under any agreement, contract or subcontract, related to the exceptional circumstances under 35 U.S.C. 202, under which the right to retain title to subject inventions may be restricted or eliminated, maintained by the Office of the Assistant General Counsel for Technology Transfer and Intellectual Property, include but are not limited to the following—

* * * * *

(D) Solid State Energy Conversion Alliance (SECA), if the Contractor is a participant in the ''Core Technology Program''; and

(E) Solid State Lighting (SSL) Program, if the Contractor is a participant in the ''Core Technology Program''.

* * * * *

(c) * * *

(3) *Filing of patent applications by the Contractor.* The Contractor will file a provisional, nonprovisional, or Patent Cooperative Treaty patent application on a subject invention to which it elects to retain title within one year after election of title or, if earlier, or prior to the end of any 1-year statutory period wherein valid patent protection can be obtained in the United States after a publication, on sale, or public use. The Contractor will file patent applications in additional countries or international patent offices within either ten months of the corresponding first filed patent application or six months from the date permission is granted by the Commissioner of Patents and Trademarks to file foreign patent applications where such filing has been prohibited by a Secrecy Order.

* * * * *

970.5227–10 [Amended]

■ 53. Section 970.5227–10 is further amended in the tables below:

■ a. For each paragraph indicated in the left column, remove the word indicated in the middle column from where it appears in the paragraphs, and add the word in the right column:

Section	Remove	Add
(a) *Subject Invention* definition, (b)(1) in the first sentence, (c)(1) in four places.	contractor	Contractor.
(c)(1)	B&R	Budget and Resources (B&R).
(e)(2), in two places	Part	part.
(f)(3), (f)(4)	contractor	Contractor.
(g)(2), in two places	48 CFR 952.227–11	48 CFR 52.227–11.
(n) heading	*Examination of Records Relating to Subject Inventions—*.	*Records relating to subject inventions—*
(o) heading	*Facilities License*	*Facilities license.*
Alternate 1, introductory text	*Weapons Related Subject Invention*	*Weapons related subject invention.*
Alternate 1, heading	Alternate 1	Alternate I.
Alternate I (a)	(10) Weapons Related Subject Invention	*Weapons related subject invention.*
Alternate I (b)	*Principal Rights*	*principal rights.*

■ b. For each paragraph indicated in the left column, remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Section	Remove	Add
(b)(2)(i), (f)(6)	:	—
(b)(2)(ii)(C)	.	;
(f)(1)(i)	, and	; and
(k)	—	:
(c), (e), (f), (g)(1), (m), (n), (p), (q), Alternate I (b)	—	.

■ 54. Section 970.5227–11 is amended by:

■ a. Removing ''970.2703–1(b)(4):'' in the introductory text, and adding in its place ''970.2703–70–1(b)(4):'';

■ b. Revising the clause heading; and

■ c. Removing in paragraph (a), the paragraph designations numbers (a)(1) through (a)(7).

The additions and revisions read as follows:

970.5227–11 Patent rights—management and operating contracts, for-profit contractor, non-technology transfer.

* * * * *

PATENT RIGHTS—MANAGEMENT AND OPERATING CONTRACTS, FOR-PROFIT CONTRACTOR, NON-TECHNOLOGY TRANSFER (XXX 20XX)

* * * * *

970.5227–11 [Amended]

■ 55. Section 970.5227–11 is further amended in the tables below:

■ a. For each paragraph indicated in the left column, remove the word indicated in the middle column from where it appears in the paragraphs, and add the word in the right column:

Section	Remove	Add
(b)(2)	an Contractor	a contractor.
(c)(2), (c)(4)	Contractor personnel	contractor personnel.
(d)(1) heading	Contractor License	*Contractor license.*
(d)(1)(iii) and (iv)	Part	part.
(d), (d)(1)(i), (d)(1)(ii), (d)(1)(iii), (d)(1)(iv) in headings only	Contractor	contractor.
(k) heading	*License*	*license.*

■ b. For each paragraph indicated in the left column, remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Section	Remove	Add
(b), (c), (e), (f), (g), (j), and (l)	—	.
(c)(2)	:	—
(f)(2), (f)(3)	—	-

■ 56. Section 970.5227–12 is amended by:

■ a. Revising the section heading and introductory text;

■ b. Revising the clause heading;

■ c. In paragraph (a):

■ i. Removing the paragraph designation numbers for (a)(1) through (a)(8);

■ ii. Adding, in alphabetical order, a new definition for ''*Department of Energy (DOE)*''; and

■ iii. Revising the definition for ''*Patent Counsel*'';

■ d. Revising paragraphs (b)(5)(ii) and (iii);

■ e. Revising paragraph (c)(4), in the first sentence, by removing ''an initial patent application'' and adding in its place ''a provisional, nonprovisional, or Patent Cooperative Treaty patent application'' and in the second sentence, by removing ''initial'' and adding ''first filed'' in its place.

■ f. Adding in paragraph (d)(4), before ''discontinue'', ''not file a nonprovisional application, or to'';

■ g. Revising paragraph (m);

■ h. Removing in paragraph (r) ''(1)'' and ''(2)'';
■ i. Adding a new sentence, at the end of paragraph (t); and
■ j. Redesignating Alternate 1 as Alternate I, and revising the heading and text.

The revisions and additions read as follows:

970.5227–12 Patent rights management and operating contracts, for-profit contractor, advance class waiver.

Insert the following clause in solicitations and contracts in accordance with 970.2703–70–1(b)(3):

PATENT RIGHTS—MANAGEMENT AND OPERATING CONTRACTS, FOR-PROFIT CONTRACTOR, ADVANCE CLASS WAIVER (XXX 20XX)

(a) * * *

Department of Energy (DOE), as used in this clause, includes the National Nuclear Security Administration (NNSA), and unless otherwise identified or indicated, includes the coordinated efforts of the DOE and NNSA.

* * * * *

Patent Counsel means the DOE Patent Counsel assisting the DOE contracting activity.

The Patent Counsel is the first and primary point of contact for activities described in this clause.

* * * * *

(b) * * *

(5) * * *

(ii) Inventions made under any agreement, contract or subcontract, related to the following initiatives or programs are exceptional circumstance subject inventions—

(A) DOE Steel Initiative and Metals Initiative;

(B) U.S. Advanced Battery Consortium;

(C) Any funding agreement which is funded in part by the Electric Power Research Institute (EPRI) or the Gas Research Institute (GRI);

(D) Solid State Energy Conversion Alliance (SECA), if the Contractor is a participant in the ''Core Technology Program''; and

(E) Solid State Lighting (SSL) Program, if the Contractor is a participant in the ''Core Technology Program''.

(iii) Exceptional circumstances subject inventions are as set forth in the applicable class advance waiver. In addition, DOE reserves the right to unilaterally amend this contract to modify, by deletion or insertion, technical fields, programs, initiatives or other classifications for the purpose of defining DOE exceptional circumstance subject inventions.

* * * * *

(m) *Facilities license.* In addition to the rights of the parties with respect to inventions or discoveries conceived or first actually reduced to practice in the course of or under this contract, the Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, paid-up license in and to any inventions or discoveries regardless of when conceived or actually reduced to practice or acquired by the contractor at any time through completion of this contract and which are incorporated or embodied in the construction of the facility or which are utilized in the operation of the facility or which cover articles, materials, or products manufactured at the facility—

(1) To practice or have practiced by or for the Government at the facility; and

(2) To transfer such license with the transfer of that facility. Notwithstanding the acceptance or exercise by the Government of these rights, the Government may contest at any time the enforceability, validity or scope of, or title to, any rights or patents herein licensed.

* * * * *

(t) * * * At the discretion of the Patent Counsel, authority to review publications prior to release may be delegated to the Contractor.

* * * * *

Alternate I *Weapons related subject inventions.* As prescribed at 970.2703–70–2(g), insert the following definition after the last definition in paragraph (a) and add subparagraph (b)(10):

(a) *Definitions. Weapons related subject invention* means any subject invention conceived or first actually reduced to practice in the course of or under work funded by or through defense programs, including Department of Defense and intelligence reimbursable work, or the Naval Nuclear Propulsion Program of the Department of Energy or the National Nuclear Security Administration.

(b) *Allocation of principal rights.* (10) *Weapons related subject inventions.* Except to the extent that DOE is solely satisfied that the Contractor meets certain procedural requirements and DOE grants rights to the Contractor in weapons related subject inventions, the Contractor does not have a right to retain title to any weapons related subject inventions.

(End of alternate)

970.5227–12 [Amended]

■ 57. Section 970.5227–12 is further amended in the tables below:

■ a. For each paragraph indicated in the left column, remove the word indicated in the middle column from where it appears in the paragraphs, and add the word in the right column:

Paragraph	Remove	Add
(a) *DOE licensing regulations* and *DOE patent waiver regulations* definitions, (e)(3) ..	Part	part.
(a) *Subject invention* definition	contractor	Contractor.
(c), (f)(2)	Contractor	contractor.
(e)(2)	non-transferrable	non-transferable.
(e), (e)(1), (e)(2), (e)(3), (e)(4) in the headings only	Contractor	contractor.
(e)(3) in second sentence	continues	continue.
(e)(3) in last sentence	failed	have failed.
(j)	March-In	March-in.

■ b. For each paragraph indicated in the left column, remove the punctuation mark indicated in the middle column from where it appears in the section, and add the punctuation mark in the right column:

Paragraph	Remove	Add
(b), (c), (d), (e), (f), (g), (l), (n), (o), and (p)	—	.
(c)(1), (c)(5), (f)(1)	:	—
(g)(2), (g)(3)	—	-

[FR Doc. 2013–24607 Filed 11–6–13; 8:45 am]
BILLING CODE 6450–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

50 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

[FWS–R7–SM–2013–0126; FXFR13350700640–145–FF07J00000]

Subsistence Management Program for Public Lands in Alaska; Rural Determination Process

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Advanced notice of proposed rulemaking; extension of comment period.

SUMMARY: The Federal Subsistence Board is extending the comment period through December 2, 2013, on its earlier request for comments (77 FR 77005, Dec. 31, 2012) on the rural determination process. These comments will be used by the Board, coordinating with the Secretaries of the Interior and Agriculture, to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process.

DATES: *Comments:* The comment period for the document published December 31, 2012 (77 FR 77005), is extended through, and comments must be received or postmarked by, December 2, 2013.

Public meetings: The Federal Subsistence Regional Advisory Councils, through the Board, has rescheduled public meetings to receive comments and make recommendations to the Federal Subsistence Board on this notice on several dates between November 5 and November 19, 2013. See Public Meetings under **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings.

ADDRESSES: *Comments:* Comments on this extension must be received or postmarked by December 2, 2013. You may submit comments by one of the following methods:

- *Electronically:* Comments addressing this notice may be sent to *subsistence@fws.gov.*
- *By hard copy:* U.S. mail or hand-delivery to: USFWS, Office of Subsistence Management, 1011 East Tudor Road, MS 121, Attn: Theo Matuskowitz, Anchorage, AK 99503–6199, or hand delivery to the Designated Federal Official attending any of the Federal Subsistence Regional Advisory Council public meetings.

Comments received will be available for public review during public meetings held by the Board on this issue. This generally means that any personal information you provide us will be available during public review.

Public meetings: See **SUPPLEMENTARY INFORMATION** for specific information on dates and locations of the public meetings. If the Board decides additional meetings are required, public announcements will be made that provide meeting dates and locations.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Gene Peltola, Office of Subsistence Management; (907) 786–3888; or *subsistence@fws.gov.* For questions specific to National Forest System lands, contact Steve Kessler, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; (907) 743–9461; or *skessler@fs.fed.us.*

SUPPLEMENTARY INFORMATION:

Background

Under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program. This Program provides a priority for taking of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to implement this Program in the **Federal Register** on June 29, 1990 (55 FR 27114), and final regulations in the **Federal Register** on May 29, 1992 (57 FR 22940). The Secretaries have amended these regulations a number of times. Because this Program is a joint effort between Interior and Agriculture, these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, ''Parks, Forests, and Public Property,'' and Title 50, ''Wildlife and Fisheries,'' at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain the following subparts: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Federal Subsistence Board

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board comprises:

- A Chair, appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, U.S. National Park Service;
- The Alaska State Director, U.S. Bureau of Land Management;
- The Alaska Regional Director, U.S. Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council. The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

Public Meetings

The Federal Subsistence Regional Advisory Councils have a substantial role in reviewing subsistence issues and making recommendations to the Board. The Federal Subsistence Board scheduled public meetings in conjunction with the Council meetings to accept comments on this notice during the fall meeting cycle. Due to a lapse in appropriations and the subsequent closure of the Federal Government, five preannounced Council meetings were cancelled. The Board decided that a rescheduling of the cancelled meetings was needed to allow for full public participation and discussion of regional subsistence issues. You may present comments on this notice during these rescheduled meetings at the following locations in Alaska, on the following dates:

Region 2—Southcentral Regional Council, Anchorage, November 5, 2013

Region 5—Yukon–Kuskokwim Delta Regional Council, Bethel, November 13, 2013
Region 6—Western Interior Regional Council, Fairbanks, November6, 2013
Region 7—Seward Peninsula Regional Council, Nome, November 19, 2013
Region 9—Eastern Interior Regional Council, Fairbanks, November 19, 2013

A news release will be published of specific dates, times, and meeting locations in local and statewide newspapers, and on the web at *http://www.doi.gov/subsistence/index.cfm,* prior to these rescheduled meetings. Locations and dates may change based on weather or local circumstances.

Tribal Consultation and Comment

As expressed in Executive Order 13175, ''Consultation and Coordination with Indian Tribal Governments,'' the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010). Consultation with Alaska Native corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: ''The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175.''

The Alaska National Interest Lands Conservation Act, Title VIII (16 U.S.C. 3111–3126), does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, because tribal members and Alaska Native corporations are affected by subsistence regulations, the Secretaries, through the Board, will provide Federally recognized Tribes and Alaska Native corporations an opportunity to consult. The Board provides a variety of opportunities for consultation: engaging in dialogue at the Council meetings; engaging in dialogue at the Board's meetings; and providing input in person, or by mail, email, or phone at any time during the comment period.

The Board will engage in outreach efforts for this extension notice, including a notification letter, to Tribes and Alaska Native corporations to ensure they are advised of the mechanisms by which they can participate. The Board will commit to efficiently and adequately providing an opportunity for consultation to Tribes and Alaska Native corporations prior to the adoption of any changes in policy or regulation concerning the rural determination process.

The Board will consider Tribes' and Alaska Native corporations' information, input, and recommendations, and endeavor to address their concerns.

Purpose of This Notice

In accordance with § __.10(d)(4)(ii), one of the responsibilities given to the Federal Subsistence Board is to determine which communities or areas of the State are rural or nonrural. Only residents of areas identified as rural are eligible to participate in the Federal Subsistence Management Program on Federal public lands in Alaska.

The Board determines if a community or area is rural in accordance with established guidelines set forth in § __.15(a). The Board reviews rural determinations on a 10-year cycle and may review determinations out-of-cycle in special circumstances. The Board conducts rulemaking to determine if the list at § __.23(a), which defines the rural/nonrural status of communities and/or areas, needs revision. Residents would have 5 years to comply with a rural to nonrural change. A change from nonrural to rural would be effective 30 days after publication of the rule.

On May 7, 2007, the Board published a final rule, ''Subsistence Management Regulations for Public Lands in Alaska, Subpart C; Nonrural Determinations'' (72 FR 25688). This rule revised the list of nonrural areas identified by the Board. The Board changed Adak's status to rural, added Prudhoe Bay to the list of nonrural areas, and adjusted the boundaries of the following nonrural areas: the Kenai Area; the Wasilla/Palmer Area, including Point McKenzie; the Homer Area, including Fritz Creek East (except Voznesenka) and the North Fork Road area; and the Ketchikan Area, including Saxman and portions of Gravina Island. The effective date was June 6, 2007, with a 5-year compliance date of May 7, 2012.

On October 23, 2009, Secretary of the Interior Salazar announced the initiation of a Departmental review of the Federal Subsistence Management Program in Alaska; Secretary of Agriculture Vilsack later concurred with this course of action. The review focused on how the Program is meeting the purposes and subsistence provisions of Title VIII of ANILCA, and how the Program is serving rural subsistence users as envisioned when it began in the early 1990s.

On August 31, 2010, the Secretaries announced the findings of the review, which included several proposed administrative and regulatory reviews and/or revisions to strengthen the Program and make it more responsive to those who rely on it for their subsistence uses. One proposal called for a review, with Council input, of the rural and nonrural determination process and, if needed, recommendations for regulatory changes.

On January 20, 2012, the Board met to consider the Secretarial directive, consider the Council's recommendations, and review all public, Tribal, and Native Corporation comments on the initial review of the rural determinations process. After discussion and careful review, the Board voted unanimously to initiate a review of the rural determination process and the 2010 decennial review. Consequently, based on that action, the Board found that it was in the public's best interest to extend the compliance date of its 2007 final rule (72 FR 25688; May 7, 2007) on rural and nonrural determinations until after the review of the rural determination process and decennial review are complete or in 5 years, whichever comes first. The Board has already published a final rule (77 FR 12477; March 1, 2012) extending the compliance date.

Due to a lapse in appropriations on October 1, 2013, and the subsequent closure of the Federal Government, preannounced public meetings and Tribal consultations to receive comments on the rural determinations process during the closure were cancelled. The Board decided that an extension to the comment period was needed to allow for the complete participation from the public and Tribes to address this issue.

Request for Input

To comply with the Secretarial directives and the Federal subsistence regulations, the Federal Subsistence Board is proceeding with a review of the rural determination process. As part of the Secretaries' commitment to open government and in accordance with Executive Order 13563, the Board requests input from the public on the rural determination process and regulations, and ways to improve them for the benefit of rural Alaskans.

The Board has identified the following components in the process for review: Population thresholds, rural characteristics, aggregation of communities, timelines, and

information sources. We describe these components below and include questions for public consideration and comment.

Population thresholds. The Federal Subsistence Board currently uses several guidelines to determine whether a specific area of Alaska is rural. One guideline sets population thresholds. A community or area with a population below 2,500 will be considered rural. A community or area with a population between 2,500 and 7,000 will be considered rural or nonrural, based on community characteristics and criteria used to group communities together. Communities with populations more than 7,000 will be considered nonrural, unless such communities possess significant characteristics of a rural nature. In 2008, the Board recommended to the Secretaries that the upper population threshold be changed to 11,000. The Secretaries have taken no action on this recommendation.

(1) Are these population threshold guidelines useful for determining whether a specific area of Alaska is rural?

(2) If they are not, please provide population size(s) to distinguish between rural and nonrural areas, and the reasons for the population size you believe more accurately reflects rural and nonrural areas in Alaska.

Rural characteristics. The Board recognizes that population alone is not the only indicator of rural or nonrural status. Other characteristics the Board considers include, but are not limited to, the following: Use of fish and wildlife; development and diversity of the economy; community infrastructure; transportation; and educational institutions.

(3) Are these characteristics useful for determining whether a specific area of Alaska is rural?

(4) If they are not, please provide a list of characteristics that better define or enhance rural and nonrural status.

Aggregation of communities. The Board recognizes that communities and areas of Alaska are connected in diverse ways. Communities that are economically, socially, and communally integrated are considered in the aggregate in determining rural and nonrural status. The aggregation criteria are as follows: Do 30 percent or more of the working people commute from one community to another; do they share a common high school attendance area; and are the communities in proximity and road-accessible to one another?

(5) Are these aggregation criteria useful in determining rural and nonrural status?

(6) If they are not, please provide a list of criteria that better specify how communities may be integrated economically, socially, and communally for the purposes of determining rural and nonrural status.

Timelines. The Board reviews rural determinations on a 10-year cycle, and out of cycle in special circumstances.

(7) Should the Board review rural determinations on a 10-year cycle? If so, why; if not, why not?

Information sources. Current regulations state that population data from the most recent census conducted by the U.S. Census Bureau, as updated by the Alaska Department of Labor, shall be utilized in the rural determination process. The information collected and the reports generated during the decennial census vary between each census; as such, data used during the Board's rural determination may vary.

(8) These information sources as stated in regulations will continue to be the foundation of data used for rural determinations. Do you have any additional sources you think would be beneficial to use?

(9) In addition to the preceding questions, do you have any additional comments on how to make the rural determination process more effective?

This notice announces to the public, including rural Alaska residents, Federally recognized Tribes of Alaska, and Alaska Native corporations, the request for comments on the Federal Subsistence Program's rural determination process. These comments will be used by the Board to assist in making decisions regarding the scope and nature of possible changes to improve the rural determination process, which may include, where the Board has authority, proposed regulatory action(s) or, in areas where the Secretaries maintain purview, recommended courses of action.

Dated: October 23, 2013.

Gene Peltola,

Assistant Regional Director, U.S. Fish and Wildlife Service, Acting Chair, Federal Subsistence Board.

Steve Kessler,

Subsistence Program Leader, USDA–Forest Service.

[FR Doc. 2013–26680 Filed 11–5–13; 4:15 pm]

BILLING CODE 3410–11–P; 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130904778–3778–01]

RIN 0648–XC855

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; Proposed 2014–2016 Fishing Quotas

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes commercial quotas for the Atlantic surfclam and ocean quahog fisheries for 2014, 2015, and 2016. The proposed quotas are unchanged from the quotas for the 2011, 2012, and 2013 fishing years. This action sets allowable harvest levels of Atlantic surfclams and ocean quahogs, prevent overfishing, and allow harvesting of optimum yield. This action would also continue to suspend the minimum shell size for Atlantic surfclams for the 2014 fishing year. It is expected that the industry and dealers will benefit from the proposed status quo quotas, as they will be able to maintain a consistent market.

DATES: Comments must be received by November 22, 2013.

ADDRESSES: You may submit comments, identified by NOAA–NMFS–2013–0139, by any of the following methods:

- *Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0139*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Fax:* (978) 281–9177, Attn: Jason Berthiaume.
- *Mail:* John K. Bullard, Regional Administrator, NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope: ''Comments on the 2014–2016 Surfclam/Ocean Quahog Specifications.''

Instructions: All comments received are part of the public record and will generally be posted to *www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.)

voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

A copy of the Environmental Assessment prepared for this action is available upon request from the Mid-Atlantic Fishery Management (Council), 800 North State Street, Suite 201, Dover, DE 09901.

NMFS will accept anonymous comments. Attachments to electronic comments will be accepted via Microsoft Word, Microsoft Excel, WordPerfect, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, 978–281–9177.

SUPPLEMENTARY INFORMATION: The Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) requires that NMFS, in consultation with the Mid-Atlantic Council (Council), specify quotas for surfclam and ocean quahog for a 3-year period, with an annual review, from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 years for surfclams, and 30 years for ocean quahogs. In addition to this, the Council policy also considers the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP (63 FR 27481, May 19, 1998) added Maine ocean quahogs (locally known as Maine mahogany quahogs) to the management unit, and provided for a small artisanal fishery for ocean quahogs in the waters north of 43°50′ N. lat., with an annual quota within a range of 17,000 to 100,000 Maine bu (0.6 to 3.524 million L). As specified in Amendment 10, the Maine mahogany ocean quahog quota is allocated separately from the quota specified for the ocean quahog fishery. Regulations implementing Amendment 13 to the FMP (68 FR 69970, December 16, 2003) established the ability to set multi-year quotas. An annual quota review is conducted by the Council every year to determine if the multi-year quota specifications remain appropriate. The fishing quotas must be in compliance with overfishing definitions for each species. In recommending these quotas, the Council considered the most recent stock assessments and other relevant scientific information.

In June 2013, the Council voted to recommend maintaining the 2013 quota levels of 5.333 million bu (284 million L) for the ocean quahog fishery, 3.400 million bu (181 million L) for the Atlantic surfclam fishery, and 100,000 Maine bu (3.524 million L) for the Maine ocean quahog fishery for 2014–2016. The proposed quotas for the 2014–2016 Atlantic surfclam and ocean quahog fishery are shown in the table below.

PROPOSED 2014–2016 ATLANTIC SURFCLAM AND OCEAN QUAHOG QUOTAS

Year	ABC	ACL	ACT	Commercial Quota
Ocean Quahog				
2014–2016 ...	5.7 million bu (306 million L) ..	5.7 million bu (306 million L) ..	Maine ACT: 105,010 Maine bu (3.7 million L). Non-Maine ACT: 5.56 million bu (298 million L).	Maine Quota: 100,000 Maine bu (3.524 million L). Non-Maine Quota: 5.3 million bu (284 million L).

Atlantic Surfclam				
Year	Allowable biological catch (ABC)	Annual catch limit (ACL)	Annual catch target (ACT)	Commercial quota
2014	7.8 million bu (415 million L) ..	7.8 million bu (415 million L) ..	3.8 million bu (202 million L) ..	3.4 million bu (181 million L).
2015	6.7 million bu (202 million L) ..	6.7 million bu (202 million L) ..	3.8 million bu (202 million L) ..	3.4 million bu (181 million L).
2016	6.2 million bu (188 million L) ..	6.2 million bu (188 million L) ..	3.8 million bu (115 million L) ..	3.4 million bu (115 million L).

The Atlantic surfclam and ocean quahog quotas are specified in ''industry'' bushels of 53.24 L per bushel, while the Maine ocean quahog quota is specified in Maine bushels of 35.24 L per bushel. Because Maine ocean quahogs are the same species as ocean quahogs, both fisheries are assessed under the same ocean quahog overfishing definition. When the two quota amounts (ocean quahog and Maine ocean quahog) are added, the total allowable harvest is still lower than the level that would result in overfishing for the entire stock.

Surfclams

In 1999, the Council expressed its intention to increase the surfclam quota to OY over a period of 5 years (OY = 3.4 million bu (181 million L)). The proposed 2014–2016 status quo surfclam quota was developed after reviewing the results of the Northeast Regional Stock Assessment Workshop (SAW) 56 for Atlantic surfclam, released to the public in 2013. The surfclam quota recommendation is consistent with the SAW 56 finding that the Atlantic surfclam stock is not overfished, nor is overfishing occurring. Based on this information, the Council is recommending, and NMFS is proposing, to maintain the status quo surfclam quota of 3.4 million bu (181 million L) for 2014–2016. This quota represents the maximum allowable quota under the FMP.

Ocean Quahogs

The proposed 2014–2016 quota for ocean quahogs also reflects the status quo quota of 5.333 million bu (284 million L) in 2010. In April 2013, the ocean quahog stock assessment was updated and found that the ocean quahog stock is not overfished, nor is overfishing occurring. Ocean quahog is a low productivity stock that is being fished down from its pre-fishery level; however, after several decades of relatively low fishing mortality, the stock is still above the biomass target reference points. Based on this information, the Council is recommending, and NMFS is proposing, to maintain the status quo quota of 5.333 million bu (284 million L) for 2014–2016.

The proposed 2014–2016 quota for Maine ocean quahogs is the status quo level of 100,000 Maine bu (3.524 million L). In 2008, the State of Maine completed a stock assessment of the resource within the Maine Mahogany Quahog Zone. The findings of the Maine quahog survey did not change the status of the entire ocean quahog resource. The proposed quota represents the

maximum allowable quota under the FMP.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule is consistent with the Atlantic Surfclam and Ocean Quahog FMP, other provisions of the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

Reporting and Recordkeeping Requirements

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This proposed rule does not duplicate, overlap, or conflict with other Federal rules.

This proposed rule is exempt from the requirements of E.O. 12866.

The Council prepared a draft EA for this action that analyzes the impacts of this proposed rule. A copy of the draft EA is available from the Federal e-Rulemaking portal *www.regulations.gov*. Type ''NOAA–NMFS–2013–0139'' in the Enter Keyword or ID field and click search. A copy of the EA is also available upon request from the Council (see **ADDRESSES**).

The Council prepared an initial regulatory flexibility analysis (IRFA), as required by section 603 of the Regulatory Flexibility Act (RFA), which is included in the EA for this action and supplemented by information contained in the preamble of this proposed rule. The IRFA describes the economic impact this proposed rule, if adopted, would have on small entities. A description of the action, why it is being considered, and the legal basis for this action are contained at the beginning of this section of the preamble and in the SUMMARY of the proposed rule. A summary of the IRFA follows. A copy of this analysis is available from the Council (see **ADDRESSES**).

On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for finfish fishing from $4.0 to $19.0 million, shellfish fishing from $4.0 to $5.0 million, and other marine fishing from $4.0 to $7.0 million.

All of the entities (fishing vessels) affected by this action are considered small entities under the SBA size standards for small shellfish fishing businesses ($5.0 million in annual gross sales). Therefore, there are no disproportionate effects on small versus large entities. Information on costs in the fishery is not readily available and individual vessel profitability cannot be determined directly; therefore, expected changes in gross revenues were used as a proxy for profitability.

Description and Estimate of the Number of Small Entities to Which This Proposed Rule Would Apply

The proposed measures would only affect vessels holding an active Federal open access surfclam and/or ocean quahog permit. The SBA defines a small commercial shellfish fishing entity as a firm with gross annual receipts not exceeding $5 million. In 2012, a total of 42 vessels reported harvesting surfclams and/or ocean quahogs from Federal waters under the Individual Fishing Quota system. In addition, 12 vessels participated in the limited access Maine ocean quahog fishery, for a total of 54 participants in 2012. Average 2012 gross income was $950,000 per vessel. Each vessel in this analysis is treated as a single entity for purposes of size determination and impact assessment. All 54 commercial fishing entities fall below the SBA size threshold for small commercial shellfish fishing entities.

Economic Impacts of This Proposed Action Compared to Significant Non-Selected Alternatives

1. Specifications

The proposed quotas for 2014–2016 reflect the same quota levels set for 2011–2013. Therefore, it is not expected that there will be any different economic impacts beyond status quo resulting from the proposed quota level. Leaving the ocean quahog quota at the harvest level of 5.333 million bu (284 million L) is not expected to constrain the fishery. The surfclam quota is proposed to be set to the maximum allowed under the FMP of 3.4 million bu (181 million L).

The Maine ocean quahog quota is proposed to be set at the maximum allowed under the FMP of 100,000 Maine bu (3.524 million L). It is anticipated that by maintaining the status quo quota level for the next 3 years, the fishing industry will benefit from the stability of product demand from the seafood processors and being able to predict future fishery performance based on past performance from the last 3 years.

The non-selected alternatives for both the surfclam and ocean quahog would both result in more restrictive quotas. Therefore, the more restrictive non-selected alternatives would have a negative economic impact on the fishery when compared to the proposed action of status quo quotas.

2. Minimum Size Suspension for Atlantic Surfclams

In regard to the suspension of the minimum size limit for Atlantic surfclams, the minimum size limit has been suspended since 2005. Therefore, because this action would not impose a minimum size limit, and because no net change in fishing effort, participation in the fishery, or fishery expenses are expected, it is anticipated that this action would not impose any additional costs on the industry. In fact, continuing to suspend the minimum size limit would likely have positive economic affects in contrast to not suspending the minimum size limit.

The non-selected alternative would result in the minimum size limit for surfclams not being suspended. As a result, the non-selected selected alternative would require fishery participants to adhere to the surfclam minimum size limit. Measuring surfclams would result in additional burden which would likely reduce operational efficiency. Therefore, the non-selected alternative of not suspending the minimum size limit would have negative economic impacts and would reduce vessel efficiency when compared to the proposed alternative of suspending the minimum size limit.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 1, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013–26773 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 78, No. 216
Thursday, November 7, 2013

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0092]

Notice of Request for Extension of Approval of an Information Collection; Importation of Clementines, Mandarins, and Tangerines From Chile

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Extension of approval of an information collection; comment request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of approval of an information collection associated with the regulations for the importation of clementines, mandarins, and tangerines from Chile into the United States.

DATES: We will consider all comments that we receive on or before January 6, 2014.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS–2013–0092–0001.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2013–0092, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0092* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For information on regulations for the importation of clementines, mandarins, and tangerines from Chile, contact Mr. David Lamb, Regulatory Policy Specialist, RCC, RPM, PHP, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737; (301) 851–2103. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 851–2908.

SUPPLEMENTARY INFORMATION:

Title: Importation of Clementines, Mandarins, and Tangerines From Chile.

OMB Number: 0579–0242.

Type of Request: Extension of approval of an information collection.

Abstract: The Plant Protection Act (PPA, 7 U.S.C. 7701 *et seq.*) authorizes the Secretary of Agriculture to restrict the importation, entry, or interstate movement of plants, plant products, and other articles to prevent the introduction of plant pests into the United States or their dissemination within the United States. As authorized by the PPA, the Animal and Plant Health Inspection Service regulates the importation of certain fruits and vegetables in accordance with the regulations in ''Subpart—Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–61).

Under these regulations, clementines, mandarins, and tangerines from Chile may be imported into the United States under certain conditions, as listed in 7 CFR 319.56–38, to prevent the introduction of plant pests into the United States. The regulations require information collection activities, including production site registration, trust fund agreement, permit, phytosanitary certificate with an additional declaration, and shipping documents.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies; e.g., permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 0.5015 hours per response.

Respondents: Growers, shippers, and the national plant production organization of Chile.

Estimated annual number of respondents: 39.

Estimated annual number of responses per respondent: 8.333.

Estimated annual number of responses: 325.

Estimated total annual burden on respondents: 163 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 1st day of November 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–26700 Filed 11–6–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0020]

Monsanto Co.; Determination of Nonregulated Status of Soybean Genetically Engineered for Increased Yield

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a soybean event developed by the Monsanto Company, designated as MON 87712, which has been genetically engineered for increased yield, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. Our determination is based on our evaluation of data submitted by the Monsanto Company in its petition for a determination of nonregulated status, our analysis of available scientific data, and comments received from the public in response to our previous notices announcing the availability of the petition for nonregulated status and its associated environmental assessment and plant pest risk assessment. This notice also announces the availability of our written determination and finding of no significant impact.

DATES: *Effective Date:* November 7, 2013.

ADDRESSES: You may read the documents referenced in this notice and the comments we received at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0020* or in our reading room, which is located in Room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 11–202–01p.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca Stankiewicz Gabel, Chief, Biotechnology Environmental Analysis Branch, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3927, email: *rebecca.l.stankiewicz-gabel@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS received a petition (APHIS Petition Number 11–202–01p) from the Monsanto Company (Monsanto) of St. Louis, MO, seeking a determination of nonregulated status of soybean (*Glycine max*) designated as MON 87712, which has been genetically engineered for increased yield. The petition states that this soybean is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of genetically engineered (GE) organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in the **Federal Register** on July 13, 2012, (77 FR 41354–41355, Docket No. APHIS–2012–0020), APHIS announced the availability of the Monsanto petition for public comment. APHIS solicited comments on the petition for 60 days ending on September 11, 2012, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 66 comments on the petition. Several of these comments included electronic attachments consisting of a consolidated document of many identical or nearly identical letters, for a total of 4,665 comments. APHIS decided, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues. According to our public review process for such petitions (see footnote 1), APHIS first solicits written comments from the public on a draft environmental assessment (EA) and plant pest risk assessment (PPRA) for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and PPRA and other information, APHIS revises the PPRA as necessary and prepares a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a finding of no significant impact (FONSI) or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS furnishes a response to the petitioner, either approving or denying the petition. APHIS also publishes a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

In a notice (see footnote 2) published in the **Federal Register** on August 5, 2013, (78 FR 47272–47273, Docket No. APHIS–2012–0020), APHIS announced the availability of a PPRA and a draft EA for public comment. APHIS solicited comments on the draft EA, the PPRA, and whether the subject soybeans are likely to pose a plant pest risk for 30 days ending on September 4, 2013. APHIS received one comment during the comment period. The comment did not address the regulatory status of MON 87712 soybean, but rather raised concerns regarding APHIS' authority to regulate GE plants and the Agency's NEPA process. APHIS has addressed the issues raised during the comment period and has provided responses to this comment as an attachment to the FONSI.

National Environmental Policy Act

After reviewing and evaluating the comment received during the comment

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, the comments we received, and other supporting documents, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0020.*

period on the draft EA and PPRA and other information, APHIS has prepared a final EA. The EA has been prepared to provide the public with documentation of APHIS' review and analysis of any potential environmental impacts associated with the determination of nonregulated status of Monsanto's MON 87712 soybean. The EA was prepared in accordance with: (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372). Based on our EA, the response to public comments, and other pertinent scientific data, APHIS has reached a FONSI with regard to the preferred alternative identified in the EA (to make a determination of nonregulated status of MON 87712 soybean).

Determination

Based on APHIS' analysis of field and laboratory data submitted by Monsanto, references provided in the petition, peer-reviewed publications, information analyzed in the EA, the PPRA, comments provided by the public, and information provided in APHIS' response to those public comments, APHIS has determined that Monsanto's MON 87712 soybean is unlikely to pose a plant pest risk and therefore is no longer subject to our regulations governing the introduction of certain GE organisms.

Copies of the signed determination document, PPRA, final EA, FONSI, and response to comments, as well as the previously published petition and supporting documents, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of November 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–26703 Filed 11–6–13; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2012–0028]

BASF Plant Science LP; Availability of Plant Pest Risk Assessment and Environmental Assessment for Determination of Nonregulated Status of Soybean Genetically Engineered for Herbicide Resistance

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that the Animal and Plant Health Inspection Service is making available for public comment our plant pest risk assessment and our draft environmental assessment regarding a request from BASF Plant Science LP seeking a determination of nonregulated status of soybean designated as event BPS–CV127–9, which has been genetically engineered for resistance to herbicides in the imidazolinone family. We are soliciting comments on whether this genetically engineered soybean is likely to pose a plant pest risk.

DATES: We will consider all comments that we receive on or before December 9, 2013.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov/#!documentDetail;D=APHIS-2012-0028.*
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2012–0028, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov/#!docketDetail;D=APHIS-2012-0028* or in our reading room, which is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

Supporting documents are also available on the APHIS Web site at *http://www.aphis.usda.gov/biotechnology/petitions_table_pending.shtml* under APHIS Petition Number 09–015–01p.

FOR FURTHER INFORMATION CONTACT: Dr. Rebecca Stankiewicz Gabel, Chief, Biotechnology Environmental Analysis Branch, Environmental Risk Analysis Programs, Biotechnology Regulatory Services, APHIS, 4700 River Road Unit 147, Riverdale, MD 20737–1236; (301) 851–3927, email: *rebecca.l.stankiewicz-gabel@aphis.usda.gov.* To obtain copies of the supporting documents for this petition, contact Ms. Cindy Eck at (301) 851–3892, email: *cynthia.a.eck@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the authority of the plant pest provisions of the Plant Protection Act (7 U.S.C. 7701 *et seq.*), the regulations in 7 CFR part 340, ''Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests,'' regulate, among other things, the introduction (importation, interstate movement, or release into the environment) of organisms and products altered or produced through genetic engineering that are plant pests or that there is reason to believe are plant pests. Such genetically engineered (GE) organisms and products are considered ''regulated articles.''

The regulations in § 340.6(a) provide that any person may submit a petition to the Animal and Plant Health Inspection Service (APHIS) seeking a determination that an article should not be regulated under 7 CFR part 340. APHIS has received a petition (APHIS Petition Number 09–015–01p) from BASF Plant Science LP (BASF) of Research Triangle Park, NC, seeking a determination of nonregulated status of soybean (*Glycine max*) designated as event BPS–CV127–9, which has been genetically engineered for resistance to herbicides in the imidazolinone family. The petition states that this soybean is unlikely to pose a plant pest risk and, therefore, should not be a regulated article under APHIS' regulations in 7 CFR part 340.

According to our process [1] for soliciting public comment when considering petitions for determinations of nonregulated status of GE organisms, APHIS accepts written comments regarding a petition once APHIS deems it complete. In a notice [2] published in

[1] On March 6, 2012, APHIS published in the **Federal Register** (77 FR 13258–13260, Docket No. APHIS–2011–0129) a notice describing our public review process for soliciting public comments and information when considering petitions for determinations of nonregulated status for GE organisms. To view the notice, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2011-0129.*

[2] To view the notice, the petition, and the comments we received, go to *http://*

the **Federal Register** on July 13, 2012, (77 FR 41363–41364, Docket No. APHIS–2012–0028), APHIS announced the availability of the BASF petition for public comment. APHIS solicited comments on the petition for 60 days ending on September 11, 2012, in order to help identify potential environmental and interrelated economic issues and impacts that APHIS may determine should be considered in our evaluation of the petition.

APHIS received 75 comments on the petition. Several of these comments included electronic attachments consisting of a consolidated document of many identical or nearly identical letters, for a total of 4,676 comments. Issues raised during the comment period include the nature of agronomic inputs, such as fertilizer and pesticide applications, associated with this new trait; effects of herbicide use, including potential impacts to plants from off-target herbicide drift, management of herbicide-resistant weeds, and human health considerations from exposure to herbicides; and domestic and international economic impacts associated with the development and marketing of a new herbicide-resistant product. APHIS has evaluated the issues raised during the comment period and, where appropriate, has provided a discussion of these issues in our environmental assessment (EA).

After public comments are received on a completed petition, APHIS evaluates those comments and then provides a second opportunity for public involvement in our decisionmaking process. According to our public review process (see footnote 1), the second opportunity for public involvement follows one of two approaches, as described below.

If APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises no substantive new issues, APHIS will follow Approach 1 for public involvement. Under Approach 1, APHIS announces in the **Federal Register** the availability of APHIS' preliminary regulatory determination along with its EA, preliminary finding of no significant impact (FONSI), and its plant pest risk assessment (PPRA) for a 30-day public review period. APHIS will evaluate any information received related to the petition and its supporting documents during the 30-day public review period.

www.regulations.gov/#!docketDetail;D=APHIS-2012-0028.

Alternatively, if APHIS decides, based on its review of the petition and its evaluation and analysis of comments received during the 60-day public comment period on the petition, that the petition involves a GE organism that raises substantive new issues, APHIS will follow Approach 2. Under Approach 2, APHIS first solicits written comments from the public on a draft EA and PPRA for a 30-day comment period through the publication of a **Federal Register** notice. Then, after reviewing and evaluating the comments on the draft EA and PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA and, based on the final EA, a National Environmental Policy Act (NEPA) decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). For this petition, we are using Approach 2.

APHIS has prepared a PPRA to determine if soybean event BPS–CV127–9 is unlikely to pose a plant pest risk. In section 403 of the Plant Protection Act, ''plant pest'' is defined as any living stage of any of the following that can directly or indirectly injure, cause damage to, or cause disease in any plant or plant product: A protozoan, a nonhuman animal, a parasitic plant, a bacterium, a fungus, a virus or viroid, an infectious agent or other pathogen, or any article similar to or allied with any of the foregoing.

APHIS has also prepared a draft EA in which we present two alternatives based on our analysis of data submitted by BASF, a review of other scientific data, field tests conducted under APHIS oversight, and comments received on the petition. APHIS is considering the following alternatives: (1) Take no action, i.e., APHIS would not change the regulatory status of soybean event BPS–CV127–9 and it would continue to be a regulated article, or (2) make a determination of nonregulated status of soybean event BPS–CV127–9.

The EA was prepared in accordance with (1) NEPA, as amended (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

In accordance with our process for soliciting public input when considering petitions for determinations of nonregulated status for GE organisms, we are publishing this notice to inform the public that APHIS will accept written comments on our PPRA and draft EA regarding the petition for a determination of nonregulated status from interested or affected persons for a period of 30 days from the date of this notice. Copies of the PPRA and draft EA, as well as the previously published petition, are available as indicated in the **ADDRESSES** and **FOR FURTHER INFORMATION CONTACT** sections of this notice.

As indicated previously, after the comment period closes, APHIS will review all written comments received during the comment period and any other relevant information. After reviewing and evaluating the comments on the draft EA and PPRA and other information, APHIS will revise the PPRA as necessary and prepare a final EA. Based on the final EA, APHIS will prepare a NEPA decision document (either a FONSI or a notice of intent to prepare an environmental impact statement). If a FONSI is reached, APHIS will furnish a response to the petitioner, either approving or denying the petition. APHIS will also publish a notice in the **Federal Register** announcing the regulatory status of the GE organism and the availability of APHIS' final EA, PPRA, FONSI, and our regulatory determination.

Authority: 7 U.S.C. 7701–7772 and 7781–7786; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 1st day of November 2013.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–26701 Filed 11–6–13; 8:45 am]

BILLING CODE 3410–34–P

COMMISSION ON CIVIL RIGHTS

Sunshine Act Notice

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of Business Meeting.

DATE AND TIME: Friday, November 15, 2013; 9:30 a.m. EST.

PLACE: 1331 Pennsylvania Ave NW., Suite 1150, Washington, DC 20425.

Meeting Agenda

I. Approval of Agenda
II. Office of General Counsel Ethics Training: Expiration of Appointments and Applicable Ethics Rules
III. Program Planning
- Review and Vote on the Proposed Eminent Domain Findings & Recommendations
- Discussion and Vote on the ''Civil

Rights Effects of Regulatory and Other Barriers to Small Businesses''
- Update on Status of the ''Civil Rights Implications of Eminent Domain Abuse'' report
- Update on Status of the ''Assessing the Impact of Criminal Background Checks and the Equal Employment Opportunity Commission's Conviction Records Policy'' report
- Discussion and Vote on the 2014 Statutory Enforcement Report topic
- Discussion and Vote to schedule two briefings for 2014: the Statutory Enforcement Report Topic and the ''Enforcing the Americans with Disabilities Act Online''
- Results of the telephonic vote held on July 21, 2013 re: the Findings and Recommendations for the 2013 Statutory Enforcement Report
- Proposals for the Commemoration of the 13th and 14th Amendments
- Consideration of the inquiry letter to the Department of Defense on behalf of Sikh military members

IV. Management and Operations
- Staff Director's Report

V. Adjourn Meeting

FOR FURTHER INFORMATION CONTACT: Contact Person for Further Information: Lenore Ostrowsky, Acting Chief, Public Affairs Unit (202) 376–8591.

Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact Pamela Dunston at (202) 376–8105 or at *signlanguage@usccr.gov* at least seven business days before the scheduled date of the meeting.

Dated: November 4, 2013.

David Mussatt,

Acting RPCU Chief.

[FR Doc. 2013–26777 Filed 11–5–13; 11:15 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice and opportunity for public comment.

Pursuant to Section 251 of the Trade Act 1974, as amended (19 U.S.C. 2341 et seq.), the Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of these firms contributed importantly to the total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[10/18/2013 through 10/31/2013]

Firm name	Firm address	Date accepted for investigation	Product(s)
Futura Industries Corporation	Freeport Center Bldg H–11, Clearfield, UT 84016.	10/29/2013	The firm is a manufacturer of extruded aluminum framing systems.
Iffel International, Inc.	14041 Rosecrans Avenue, La Mirada, CT 90638.	10/29/2013	The firm is a full service marketing firm.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance for Firms Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Dated: October 31, 2013.

Michael DeVillo,

Eligibility Examiner.

[FR Doc. 2013–26685 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–998, C–570–999]

Notice of Extension of the Deadline for Determining the Adequacy of the Antidumping Duty and Countervailing Duty Petitions: 1,1,1,2-Tetrafluoroethane From the People's Republic of China

AGENCY: Enforcement & Compliance, formerly Import Administration, International Trade Administration, Department of Commerce

DATES: *Effective Date:* November 7, 2013.

FOR FURTHER INFORMATION CONTACT: Frances Veith or Katie Marksberry, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4295 or (202) 482–7906, respectively.

Extension of Initiation of Investigations

The Petitions

On October 22, 2013, the Department of Commerce (''Department'') received an antidumping duty and countervailing duty petition filed by Mexichem Fluor, Inc. (''Petitioner'') on behalf of the domestic industry producing 1,1,1,2-Tetrafluoroethane.[1]

Determination of Industry Support for the Petitions

Sections 702(b)(1) and 732(b)(1) of the Tariff Act of 1930, as amended (''Act''), require that a petition be filed by or on behalf of the domestic industry. Sections 702(c)(4)(A) and 732(c)(4)(A) of the Act provide that the Department's industry support determination be based on whether a minimum

[1] *See Antidumping Duty Petition on 1,1,1,2-Tetrafluoroethane from the People's Republic of China* (October 22, 2013) (Petition).

percentage of the relevant industry supports the petition. A petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, sections 702(c)(4)(D) and 732(c)(4)(D) of the Act provide that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A), or (ii) if there is a large number of producers, determine industry support using a statistically valid sampling method to poll the industry.

Extension of Time

Sections 702(c)(1)(A)(ii) and 732(c)(1)(A)(ii) of the Act provide that within 20 days of the filing of an antidumping duty and countervailing duty petition, the Department will determine, *inter alia,* whether the petition has been filed by or on behalf of the U.S. industry producing the domestic like product. Sections 702(c)(1)(B) and 732(c)(1)(B) of the Act provide that the deadline for the initiation determination, in exceptional circumstances, may be extended by 20 days in any case in which the Department must ''poll or otherwise determine support for the petition by the industry.'' Because it is not clear from the Petitions whether the industry support criteria have been met, the Department has determined it should extend the time for initiating these investigations in order to further examine the issue of industry support.

The Department will need additional time to gather and analyze additional information regarding industry support. Therefore, it is necessary to extend the deadline determining the adequacy of the Petitions for a period not to exceed 40 days from the filing of the Petition. Because the extended initiation determinations date of December 1, 2013, falls on a Sunday, a non-business day, the Department's initiation determinations will now be due no later than December 2, 2013, the next business day.[2]

[2] *See Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to Tariff Act of 1930, As Amended,* 70 FR 24533 (May 10, 2005).

International Trade Commission Notification

The Department will contact the International Trade Commission (''ITC'') and will make this extension notice available to the ITC.

Dated: November 1, 2013.

Christian Marsh,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2013–26730 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–967, C–570–968]

Aluminum Extrusions From the People's Republic of China: Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke Antidumping and Countervailing Duty Orders in Part

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective:* November 7, 2013.

SUMMARY: On June 20, 2013, the Department of Commerce (Department) received a request for changed circumstances reviews and a request to revoke, in part, the antidumping (AD) and countervailing duty (CVD) orders on aluminum extrusions from the People's Republic of China (PRC),[1] with respect to certain rectangular wire. We published the notice of initiation of changed circumstances reviews on August 20, 2013 and invited comments from interested parties. We received no comments. We preliminarily conclude that changed circumstances warrant the revocation of the *Orders,* in part. Specifically, we preliminarily determine that producers accounting for substantially all of the production of the domestic like product to which these *Orders* pertain lack interest in the relief provided by the AD and CVD *Orders* based on a statement of no interest in the continuation of the *Orders* with respect to certain rectangular wire described below. Accordingly, we are notifying the public of our intent to revoke, in part, these *Orders* as to imports of certain rectangular wire described below. The Department invites interested parties to comment on these preliminary results.

FOR FURTHER INFORMATION CONTACT: James Terpstra, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington DC 20230; telephone (202) 482–3965.

Background

On May 26, 2011, the Department published the AD and CVD *Orders* in the **Federal Register**. On June 20, 2013, the Department received a request on behalf of 3M Company (3M) for changed circumstances reviews to revoke, in part, the *Orders* with respect to certain rectangular wire imported by 3M. In its request, 3M attached a letter submitted on behalf of the Aluminum Extrusion Fair Trade Committee (AEFTC), the petitioners in the less-than-fair-value and CVD investigations, and the Aluminum Extrusion Council (AEC), in which representatives of the AEFTC and AEC stated that they no longer have interest in maintaining the *Orders* with respect to certain rectangular wire-identified in 3M's request for the changed circumstances reviews.

On July 2, 2013, 3M filed a letter containing a clarification from the AEFTC and AEC in which they stated that they no longer have interest in maintaining the *Orders* with respect to certain rectangular wire, regardless of whether 3M or another party imports it. On August 20, 2013, we published a notice of initiation of these changed circumstances reviews.[2] Because the statement provided by the AEC and offered in support of 3M's request for changed circumstances reviews did not indicate whether the AEC accounts for substantially all of domestic aluminum extrusion production, in the *Initiation Notice,* we invited interested parties to comment on the Department's initiation. We received no comments from interested parties.

Scope of the Orders

The merchandise covered by these *Orders* is aluminum extrusions which are shapes and forms, produced by an extrusion process, made from aluminum alloys having metallic elements corresponding to the alloy series designations published by The Aluminum Association commencing with the numbers 1, 3, and 6 (or

[1] *See Aluminum Extrusions from the People's Republic of China: Antidumping Duty Order,* 76 FR 30650 (May 26, 2011) and *Aluminum Extrusions From the People's Republic of China: Countervailing Duty Order,* 76 FR 30653 (May 26, 2011) (together, the *Orders*).

[2] *See Aluminum Extrusions from the People's Republic of China: Initiation of Changed Circumstance Reviews and Consideration of Revocation of the Antidumping and Countervailing Duty Orders in Part,* 78 FR 51143 (August 20, 2013) (*Initiation Notice*).

proprietary equivalents or other certifying body equivalents). Specifically, the subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 1 contains not less than 99 percent aluminum by weight. The subject merchandise made from aluminum alloy with an Aluminum Association series designation commencing with the number 3 contains manganese as the major alloying element, with manganese accounting for not more than 3.0 percent of total materials by weight. The subject merchandise is made from an aluminum alloy with an Aluminum Association series designation commencing with the number 6 contains magnesium and silicon as the major alloying elements, with magnesium accounting for at least 0.1 percent but not more than 2.0 percent of total materials by weight, and silicon accounting for at least 0.1 percent but not more than 3.0 percent of total materials by weight. The subject aluminum extrusions are properly identified by a four-digit alloy series without either a decimal point or leading letter. Illustrative examples from among the approximately 160 registered alloys that may characterize the subject merchandise are as follows: 1350, 3003, and 6060.

Aluminum extrusions are produced and imported in a wide variety of shapes and forms, including, but not limited to, hollow profiles, other solid profiles, pipes, tubes, bars, and rods. Aluminum extrusions that are drawn subsequent to extrusion (drawn aluminum) are also included in the scope.

Aluminum extrusions are produced and imported with a variety of finishes (both coatings and surface treatments), and types of fabrication. The types of coatings and treatments applied to subject aluminum extrusions include, but are not limited to, extrusions that are mill finished (*i.e.,* without any coating or further finishing), brushed, buffed, polished, anodized (including bright-dip anodized), liquid painted, or powder coated. Aluminum extrusions may also be fabricated, *i.e.,* prepared for assembly. Such operations would include, but are not limited to, extrusions that are cut-to-length, machined, drilled, punched, notched, bent, stretched, knurled, swedged, mitered, chamfered, threaded, and spun. The subject merchandise includes aluminum extrusions that are finished (coated, painted, *etc.*), fabricated, or any combination thereof.

Subject aluminum extrusions may be described at the time of importation as parts for final finished products that are assembled after importation, including, but not limited to, window frames, door frames, solar panels, curtain walls, or furniture. Such parts that otherwise meet the definition of aluminum extrusions are included in the scope. The scope includes the aluminum extrusion components that are attached (*e.g.,* by welding or fasteners) to form subassemblies, *i.e.,* partially assembled merchandise unless imported as part of the finished goods 'kit' defined further below. The scope does not include the non-aluminum extrusion components of subassemblies or subject kits.

Subject extrusions may be identified with reference to their end use, such as fence posts, electrical conduits, door thresholds, carpet trim, or heat sinks (that do not meet the finished heat sink exclusionary language below). Such goods are subject merchandise if they otherwise meet the scope definition, regardless of whether they are ready for use at the time of importation.

The following aluminum extrusion products are excluded: aluminum extrusions made from aluminum alloy with an Aluminum Association series designations commencing with the number 2 and containing in excess of 1.5 percent copper by weight; aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 5 and containing in excess of 1.0 percent magnesium by weight; and aluminum extrusions made from aluminum alloy with an Aluminum Association series designation commencing with the number 7 and containing in excess of 2.0 percent zinc by weight.

The scope also excludes finished merchandise containing aluminum extrusions as parts that are fully and permanently assembled and completed at the time of entry, such as finished windows with glass, doors with glass or vinyl, picture frames with glass pane and backing material, and solar panels. The scope also excludes finished goods containing aluminum extrusions that are entered unassembled in a ''finished goods kit.'' A finished goods kit is understood to mean a packaged combination of parts that contains, at the time of importation, all of the necessary parts to fully assemble a final finished good and requires no further finishing or fabrication, such as cutting or punching, and is assembled 'as is' into a finished product. An imported product will not be considered a 'finished goods kit' and therefore excluded from the scope of the investigation merely by including fasteners such as screws, bolts, *etc.* in the packaging with an aluminum extrusion product.

The scope also excludes aluminum alloy sheet or plates produced by other than the extrusion process, such as aluminum products produced by a method of casting. Cast aluminum products are properly identified by four digits with a decimal point between the third and fourth digit. A letter may also precede the four digits. The following Aluminum Association designations are representative of aluminum alloys for casting: 208.0, 295.0, 308.0, 355.0, C355.0, 356.0, A356.0, A357.0, 360.0, 366.0, 380.0, A380.0, 413.0, 443.0, 514.0, 518.1, and 712.0. The scope also excludes pure, unwrought aluminum in any form.

The scope also excludes collapsible tubular containers composed of metallic elements corresponding to alloy code 1080A as designated by the Aluminum Association where the tubular container (excluding the nozzle) meets each of the following dimensional characteristics: (1) length of 37 millimeters (mm) or 62 mm, (2) outer diameter of 11.0 mm or 12.7 mm, and (3) wall thickness not exceeding 0.13 mm.

Also excluded from the scope of these *Orders* are finished heat sinks. Finished heat sinks are fabricated heat sinks made from aluminum extrusions the design and production of which are organized around meeting certain specified thermal performance requirements and which have been fully, albeit not necessarily individually, tested to comply with such requirements.

Imports of the subject merchandise are provided for under the following categories of the Harmonized Tariff Schedule of the United States (HTSUS): 7604.21.0000, 7604.29.1000, 7604.29.3010, 7604.29.3050, 7604.29.5030, 7604.29.5060, 7608.20.0030, and 7608.20.0090. The subject merchandise entered as parts of other aluminum products may be classifiable under the following additional Chapter 76 subheadings: 7610.10, 7610.90, 7615.19, 7615.20, and 7616.99 as well as under other HTSUS chapters. In addition, fin evaporator coils may be classifiable under HTSUS numbers: 8418.99.80.50 and 8418.99.80.60.

Additional subject products may be classifiable under the following HTSUS categories: 7615.19.10, 7615.19.30, 7615.19.50, 7615.19.70, 7615.19.90, 7616.99.10, 7616.99.50, 8302.10.3000, 8302.10.6030, 8302.10.6060, 8302.10.6090, 8302.30.3010, 8302.30.3060, 8302.41.3000,

8302.41.6015, 8302.41.6045, 8302.41.6050, 8302.41.6080, 8302.42.3010, 8302.42.3015, 8302.42.3065, 8302.49.6035, 8302.49.6045, 8302.49.6055, 8302.49.6085, 8302.50.0000, 8302.60.9000, 8306.30.0000, 8419.90.1000, 8479.89.98, 8479.90.94, 8513.90.20, 9403.10.00, 9403.20.00, 9403.90.1040, 9403.90.1050, 9403.90.1085, 9403.90.2540, 9403.90.2580, 9403.90.4005, 9403.90.4010, 9403.90.4060, 9403.90.5005, 9403.90.5010, 9403.90.5080, 9403.90.6005, 9403.90.6010, 9403.90.6080, 9403.90.7005, 9403.90.7010, 9403.90.7080, 9403.90.8010, 9403.90.8015, 9403.90.8020, 9403.90.8030, 9403.90.8041, 9403.90.8051, 9403.90.8061, 9506.11.4080, 9506.51.4000, 9506.51.6000, 9506.59.4040, 9506.70.2090, 9506.91.0010, 9506.91.0020, 9506.91.0030, 9506.99.0510, 9506.99.0520, 9506.99.0530, 9506.99.1500, 9506.99.2000, 9506.99.2580, 9506.99.2800, 9506.99.6080, 9507.30.2000, 9507.30.4000, 9507.30.6000, and 9507.90.6000.

While HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these *Orders* is dispositive.

Scope of Changed Circumstance Reviews

The merchandise covered by these changed circumstances reviews is:

{C}ertain rectangular wire produced from continuously cast rolled aluminum wire rod, which is subsequently extruded to dimension to form rectangular wire. The product is made from aluminum alloy grade 1070 or 1370, with no recycled metal content allowed. The dimensions of the wire are 5 mm (+/− 0.05 mm) in width and 1.0 mm (+/− 0.02 mm) in thickness. Imports of rectangular wire are provided for under HTSUS category 7605.19.000.

Preliminary Results of Changed Circumstances Reviews, and Intent To Revoke the Orders in Part

Pursuant to section 751(d)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.222(g), the Department may revoke an AD or CVD order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.,* a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 782(h)(2) of the Act gives the Department the authority to revoke an order if producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the order. 19 CFR 351.222(g) provides that the Department will conduct a changed circumstances review under 19 CFR 351.216, and may revoke an order (in whole or in part), if it concludes that (i) producers accounting for substantially all of the production of the domestic like product to which the order pertains have expressed a lack of interest in the relief provided by the order, in whole or in part, or (ii) if other changed circumstances sufficient to warrant revocation exist. Both the Act and the Department's regulations require that ''substantially all'' domestic producers express a lack of interest in the order for the Department to revoke the orders, in whole or in part.[3] The Department has interpreted ''substantially all'' to represent producers accounting for at least 85 percent of U.S. production of the domestic like product.[4]

As noted in the *Initiation Notice,* 3M requested the revocation of the *Orders,* in part, and supported its request. In light of 3M's submission and because the Department received no comments during the comment period, we preliminarily conclude that changed circumstances warrant revocation of the *Orders,* in part, because producers accounting for substantially all of the production of the domestic like product, to which these *Orders* pertain, lack interest in the relief provided by the *Orders* with respect to the certain rectangular wire that is the subject of 3M's request.

Accordingly, we are notifying the public of our intent to revoke the *Orders,* in part, with respect to certain rectangular wire. We intend to revoke the *Orders* as to certain rectangular wire by including the following language in the scope of each order:

Also excluded from the scope of the order is certain rectangular wire produced from continuously cast rolled aluminum wire rod, which is subsequently extruded to dimension to form rectangular wire. The product is made from aluminum alloy grade 1070 or 1370, with no recycled metal content allowed. The dimensions of the wire are 5 mm (+/− 0.05 mm) in width and 1.0 mm (+/− 0.02 mm) in thickness. Imports of rectangular wire are provided for under HTSUS category 7605.19.000.

Request to Expedite Final Results

On September 5, 2013, 3M requested that the Department expedite the changed circumstances reviews and issue final results no later than October 4, 2013.[5] 3M argued that the Department's regulations do not specify a deadline for the issuance of preliminary results of a changed circumstances review, but provide that the Department will issue the final results within 45 days if all parties to the proceeding agree to the outcome of the review.[6] 3M argued that, because no party submitted comments in opposition to their request, the Department should conclude that all parties agree with their request and issue the final results no later than 45 days after the *Initiation Notice,* or October 4, 2013.[7]

The Department did not issue a combined notice of initiation and preliminary results because, as discussed above, the statement provided by the AEC and offered in support of 3M's request for changed circumstances reviews does not indicate whether the AEC accounts for substantially all of domestic aluminum extrusion production.[8] Thus, the Department did not determine, at the time the *Initiation Notice* was published, that producers accounting for substantially all of the production of the domestic like product lacked interest in the continued application of the *Orders* as to certain rectangular wire. Further, the Department requested interested party comments on the issue of domestic industry support of partial revocations.[9] As noted above, because the Department received no comments during the comment period, including comments concerning industry support or opposing initiation of the changed circumstances reviews of the *Orders,* the Department now preliminary finds that producers accounting for substantially all of the production of the domestic like product lack interest in the relief afforded by the *Orders* with respect to the certain rectangular wire, and requests comment on that preliminary finding, before issuing the final results.[10]

[3] *See* section 782(h) of the Act and 19 CFR 351.222(g).

[4] *See Honey from Argentina; Antidumping and Countervailing Duty Changed Circumstances Reviews; Preliminary Intent to Revoke Antidumping and Countervailing Duty Orders,* 77 FR 67790, 67791 (November 14, 2012) (*Honey CCR*), unchanged in *Honey from Argentina; Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews; Revocation of Antidumping and Countervailing Duty Orders,* 77 FR 77029 (December 31, 2012).

[5] *See* ''Aluminum Extrusions from the People's Republic of China: Request to Expedite Changed Circumstance Review'' (September 5, 2013) (3M's Request).

[6] *Id.,* at 2, quoting 19 CFR 351.216(e).

[7] *Id.,* at 2–3.

[8] *See Initiation Notice,* 78 FR at 51144.

[9] *Id.*

[10] *See, e.g., Honey CCR; see also* 19 CFR 351.222(g)(1)(v) (providing that, if the Department's preliminary decision is that changed circumstances warrant revocation, the Department will publish the

Continued

Public Comment

Interested parties are invited to comment on these preliminary results in accordance with 19 CFR 351.309(c)(1)(ii). If an interested party is of the view that certain arguments continue to be relevant to the Department's final results of this review, that interested party is required to file a case brief containing all such arguments, including any such arguments presented to the Department before the date of publication of the preliminary results, pursuant to 19 CFR 351.309(c)(2). Written comments may be submitted no later than 14 days after the date of publication of these preliminary results. Rebuttals to written comments, limited to issues raised in such comments, may be filed no later than 21 days after the date of publication of these preliminary results. All comments are to be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS) available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit, Room 7046 of the main Department of Commerce building, and must also be served on interested parties.[11] An electronically filed document must be received successfully in its entirety by IA ACCESS by 5:00 p.m. Eastern Standard Time on the day it is due.[12]

The Department will issue the final results of these changed circumstances reviews, which will include its analysis of any written comments, no later than 270 days after the date on which these reviews were initiated.

If, in the final results, the Department continues to determine that changed circumstances warrant the revocation of the *Orders,* in part, we will instruct U.S. Customs and Border Protection (CBP) to liquidate without regard to ADs and CVDs, and to refund any estimated ADs and CVDs collected, on all unliquidated entries of the product in question that are not covered by the final results of an administrative review or automatic liquidation. Specifically, because there has been no completed administrative review of the *Orders,* we will instruct CBP to liquidate, without regard to ADs and CVDs, and refund estimated ADs and CVDs collected, on unliquidated entries of aluminum extrusions meeting the specifications of the product in question, entered or withdrawn from warehouse, for consumption, on or after November 12, 2010 (for ADs) and September 7, 2010 (for CVDs).

The current requirement for cash deposits of estimated ADs and CVDs on all entries of subject merchandise will continue unless and until they are modified pursuant to the final results of these changed circumstances reviews.

These preliminary results of review and notice are in accordance with sections 751(b) and 777(i) of the Act and 19 CFR 351.221 and 19 CFR 351.222.

Dated: October 31, 2013.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–26744 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–DS–P

notice of preliminary results, pursuant to 19 CFR 351.221(b)(4), and notice of intent to revoke order in part).

[11] *See* 19 CFR 351.303(f).

[12] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–818]

Low Enriched Uranium From France: Final Results of Changed Circumstances Review

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) has extended the deadline, until November 1, 2015, for the re-exportation of one specified entry of low enriched uranium (LEU) that entered under a narrow provision excluding it from the scope of the antidumping (AD) order.[1] The Department also determined that this will be the final extension of the re-exportation deadline.

DATES: *Effective:* November 7, 2013.

FOR FURTHER INFORMATION CONTACT: Andrew Huston or Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–4261 or (202) 482–3148, respectively.

SUPPLEMENTARY INFORMATION:

Background

Since the publication of the *Preliminary Results,* the following events have taken place. Eurodif S.A. and AREVA NP Inc. (collectively, AREVA) submitted comments on September 11, 2013. No other party submitted comments and no rebuttal comments were filed.

Scope of the Order

The product covered by the order is all low-enriched uranium. Low-enriched uranium is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including low-enriched uranium produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of the order. Specifically, the order does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly-enriched uranium. In addition, fabricated low-enriched uranium is not covered by the scope of the order. For purposes of the order, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of the order.

Also excluded from the order is low-enriched uranium owned by a foreign utility end-user and imported into the United States by or for such end-user solely for purposes of conversion by a U.S. fabricator into uranium dioxide (UO_2) and/or fabrication into fuel assemblies so long as the uranium dioxide and/or fuel assemblies deemed to incorporate such imported low-enriched uranium (i) remain in the possession and control of the U.S. fabricator, the foreign end-user, or their designed transporter(s) while in U.S. customs territory, and (ii) are re-exported within eighteen (18) months of entry of the low-enriched uranium for consumption by the end-user in a nuclear reactor outside the United States. Such entries must be accompanied by the certifications of the importer and end-user.

The merchandise subject to this order is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and customs purposes, the

[1] *See Low Enriched Uranium from France: Initiation of Expedited Changed Circumstances Review, and Preliminary Results of Changed Circumstances Review,* 78 FR 52905 (August 27, 2013) (*Preliminary Results*).

written description of the merchandise subject to this proceeding is dispositive.

Final Results of Expedited Changed Circumstances Review

The Department continues to find that changed circumstances exist (*i.e.,* the Japanese end-user remains unable to take delivery due to ongoing improvements and countermeasures following the March 11, 2011 earthquake and tsunami in Japan), and that it is appropriate to extend the deadline for re-exportation of this sole entry of low-enriched uranium. The Department determines that the deadline for re-exportation of this sole entry is November 1, 2015, and that this will be the final extension. The Department further determines that, if the Japanese end-user is unable to take delivery by the November 1, 2015 deadline, AREVA, the U.S. importer as well as the French exporter, will be required to re-export this sole entry to France or pay antidumping duties on the entry at the applicable rate. AREVA and the end-user will be required to submit amended certifications to U.S. Customs and Border Protection (CBP). The Department will release amended certifications to parties for comment before AREVA and the end-user are required to submit to such certifications to CBP.

Instructions to CBP

The Department will inform CBP that the deadline for re-exportation of the single entry at issue is extended to November 1, 2015. The Department will instruct CBP to collect amended certifications from AREVA and its end-user within 30 days of publication of these final results of changed circumstances review.

Notification Regarding Administrative Protective Orders

This notice is the only reminder to parties subject to the administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under the APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing these preliminary results and notice in accordance with sections 751(b)(1) and 777(i)(1) and (2) of the Act and 19 CFR 351.216.

Dated: October 31, 2013.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–26742 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration, North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel Reviews

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel.

SUMMARY: On October 11, 2013, the NAFTA Chapter 19 binational panel issued its decision in the review of the final results of the 2011 antidumping administrative review made by the Mexican Ministry of Economy, with respect to Certain Types of Stearic Acid from the United States, irrespective of the country of shipment (NAFTA Secretariat File Number MEX–2011–1904–01). The binational panel affirmed the Mexican Ministry of Economy's final determination regarding this matter. Copies of the panel's decision in English and Spanish are available from the U.S. Section of the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Ellen M. Bohon, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230, (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

Dated: October 22, 2013.

Ellen M. Bohon,

U.S. Secretary, NAFTA Secretariat.

[FR Doc. 2013–26631 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–GT–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Commercial Fisheries Seafood Processor Survey

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before January 6, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *JJessup@doc.gov).*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Ayeisha Brinson, (301) 427–8198 or *ayeisha.brinson@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for a new information collection.

The objective of the survey is to collect information on seafood plant characteristics, plant ownership, operating costs, capital costs, labor and revenue related to the processing of marine fish species. As specified in the Magnuson-Stevenson Fishery Conservation and Management Act of 1996 (and reauthorized in 2007), NMFS is required to enumerate the economic impacts of the policies it implements on the harvesting and processing sectors of the commercial fishing industry, as well as to coastal communities. The information collected in this survey will be used to provide information on

potential impacts of management decisions on the fishing industry. In general, analysis of cost and revenue information for the seafood processing plant and other activities of the plant allow analysts to estimate the economic contributions and impacts of marine fish processing to each coastal state and nationwide.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: None.

Form Number: None.

Type of Review: Regular submission (request for a new information collection).

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,000.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 1,000.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 1, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–26666 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–BD68

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Amendment 28 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent (NOI) to prepare a draft environmental impact statement (DEIS); scoping; request for comments.

SUMMARY: NMFS, Southeast Region, in collaboration with the Gulf of Mexico Fishery Management Council (Council) intends to prepare a DEIS to describe and analyze management alternatives to be included in Amendment 28 to the Fishery Management Plan (FMP) for the Reef Fish Resources of the Gulf of Mexico (Amendment 28). These alternatives will consider measures to reallocate red snapper resources between the commercial and recreational sectors with the purpose of increasing the net benefits and the stability of the red snapper component of the reef fish fishery. The purpose of this NOI is to solicit public comments on the scope of issues to be addressed in the DEIS.

DATES: Written comments on the scope of issues to be addressed in the DEIS must be received by NMFS by December 9, 2013.

ADDRESSES: You may submit comments on Amendment 28 identified by ''NOAA–NMFS–2013–0146'' by any of the following methods:

- *Electronic submissions:* Submit electronic comments via the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0146,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Peter Hood, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, or Adobe PDF file formats only.

FOR FURTHER INFORMATION CONTACT: Peter Hood, Southeast Regional Office, telephone: (727) 824–5305; or email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: Beginning in 2006, the Council expressed its intent to evaluate and possibly adjust the allocation of reef fish resources between the commercial and recreational sectors. Amendment 28 was initially developed by the Council to address changes in the allocation of grouper species, but the Council put this amendment on hold while they developed a fishery allocation policy consistent with NOAA's Catch Share Policy. For both Amendment 28 and the Council's catch share policy, public input was solicited at Council meetings.

When the Council started discussing Amendment 28 again in October 2012, the Council added red snapper to the species to be considered. In February 2013, the Council determined this amendment should focus solely on red snapper allocation to address shortened recreational season lengths and recreational quota overages. The Council decided the purpose of Amendment 28 is to consider changes to the commercial and recreational red snapper allocations to increase the net benefits from red snapper fishing and increase the stability of the red snapper component of the reef fish fishery, particularly for the recreational sector that has experienced progressively shorter seasons. The Council also recognized that the resulting reallocation among the sectors must distribute benefits expected from red snapper resources in a fair and equitable manner. The need for the proposed action, as stated by the Council, is to prevent overfishing while achieving the optimum yield, particularly with respect to food production and recreational opportunities, while rebuilding the red snapper stock.

After considering the economic analyses conducted by NMFS, the loss of fishing opportunities by the recreational sector due to shorter fishing seasons, and public comments provided at Council meetings, the Council concluded that increasing the allocation

of red snapper to the commercial sector would not meet the purpose and need of Amendment 28. Therefore, the Council intends to consider alternatives that would increase the recreational sector's allocation to more than the current 49 percent. Alternatives within Amendment 28 include a ''no action'' alternative where the current 51 percent commercial to 49 percent recreational allocation remains unchanged. Additionally, Amendment 28 also contains alternatives that shift allocation to the recreational sector by the amount of 3 percent, 5 percent, or 10 percent from the commercial to the recreational sector. Finally, Amendment 28 contains alternatives that shift either 100 percent or 75 percent of any total combined commercial and recreational quota in excess of 9.12 million lb (4.137 million kg) to the recreational sector. This harvest level, 9.12 million lb (4.137 million kg), was considered a baseline by the Council because it is the total allowable catch the commercial and recreational red snapper quotas were based on prior to the revised rebuilding plan implemented through Amendment 27 to the FMP. The combined 2013 commercial and recreational quotas currently equal 11.0 million lb (5.0 million kg).

At the February 2013 meeting, the Council postponed further development of Amendment 28 until the 2013 red snapper stock assessment was completed. The Southeast Data, Assessment, and Review (SEDAR) benchmark assessment for Gulf red snapper (SEDAR 31), was completed in June 2013, and the Council has discussed and heard public comments on Amendment 28 at the June 2013 and August 2013 meetings.

NMFS, in collaboration with the Council, will develop a DEIS to describe and analyze alternatives to address the management needs described above including the ''no action'' alternative. In accordance with NOAA's Administrative Order 216–6, Section 5.02(c), Scoping Process, NMFS, in collaboration with the Council, has identified preliminary environmental issues as a means to initiate discussion for scoping purposes only. The public is invited to provide written comments on the preliminary issues, which are identified as actions and alternative in the Amendment 28 draft options paper and action guide. These preliminary issues may not represent the full range of issues that eventually will be evaluated in the DEIS. A copy of the Amendment 28 draft options paper and action guide are available at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/index.html.*

After the DEIS associated with Amendment 28 is completed, it will be filed with the Environmental Protection Agency (EPA). After filing, the EPA will publish a notice of availability of the DEIS for public comment in the **Federal Register**. The DEIS will have a 45-day comment period. This procedure is pursuant to regulations issued by the Council on Environmental Quality (CEQ) for implementing the procedural provisions of the National Environmental Policy Act (NEPA; 40 CFR parts 1500–1508) and to NOAA's Administrative Order 216–6 regarding NOAA's compliance with NEPA and the CEQ regulations.

The Council and NMFS will consider public comments received on the DEIS in developing the final environmental impact statement (FEIS), and before voting to submit the final amendment to NMFS for Secretarial review, approval, and implementation. NMFS will announce in the **Federal Register** the availability of the final amendment and FEIS for public review during the Secretarial review period, and will consider all public comments prior to final agency action to approve, disapprove, or partially approve the final amendment.

NMFS will announce, through a document published in the **Federal Register**, all public comment periods on the final amendment, its proposed implementing regulations, and the availability of its associated FEIS. NMFS will consider all public comments received during the Secretarial review period, whether they are on the final amendment, the proposed regulations, or the FEIS, prior to final agency action.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 4, 2013.

Kelly Denit,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2013–26768 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XA713

Endangered Species; File No. 16482–01

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application for permit modification.

SUMMARY: Notice is hereby given that the Warnell School of Forest Resources, Fisheries Division, University of Georgia, Athens, Georgia 30602 [Douglas Peterson: Responsible Party], has applied in due form for a permit modification to take Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) and shortnose sturgeon (*Acipenser brevirostrum*) for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before December 9, 2013.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 16482–01 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices:

- Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376; and
- Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824–5312; fax (727) 824–5309.

Written comments on either application should be submitted to the Chief, Permits and Conservation Division

- By email to *NMFS.Pr1Comments@noaa.gov* (include the File No. in the subject line of the email);
- By facsimile to (301) 713–0376; or
- At the address listed above.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on the application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead at (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit modification is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 16482 was issued April 6, 2012 (77 FR 21754) to the Permit Holder listed above to capture Atlantic sturgeon

life stages in the Savannah (SC/GA), Ogeechee (GA), Altamaha (GA), Satilla (GA), and Saint Marys (GA/FL) Rivers using gill nets and trammel nets to measure, weigh, photograph, PIT and Floy tag, and tissue sample. Subsets are anesthetized, fin ray sectioned, laparoscoped, and implanted with an internal acoustic tag. Incidental mortality of serious harm to five juvenile and sub-adults or one adult annually is authorized. The Permit Holder is also authorized to sample Atlantic sturgeon early life stages (ELS) in suspected spawning areas using egg mats. The Permit Holder now requests consolidating the existing takes of shortnose sturgeon authorized in a separate Permit No 14394 in the Altamaha River (GA) into the current modification, and subsequently terminating Permit No. 14394. Additionally, the Permit Holder proposes new takes of shortnose sturgeon from the Savannah, Ogeechee, Satilla River (GA), Saint Marys Rivers (GA/FL) and Saint Johns and Nassau Rivers (FL); and new takes of Atlantic sturgeon from the Nassau and Saint Johns Rivers (FL) using identical methods described for Atlantic sturgeon. One additional procedure is requested not permitted in prior permits: the Permit Holder requests sampling blood from subsets of captured Atlantic and shortnose sturgeon from the Altamaha River (GA). Incidental mortality of two juvenile or adult shortnose sturgeon would be authorized annually from all river systems, as well sampling of shortnose sturgeon ELS in suspected spawning areas. The modification would be valid through the expiration date of the original permit on April 5, 2017.

Dated: November 4, 2013.

P. Michael Payne,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2013–26727 Filed 11–6–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces; Notice of Federal Advisory Committee Meeting

AGENCY: Office of the Assistant Secretary of Defense, DoD.

ACTION: Meeting notice.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces (subsequently referred to as the Task Force).

DATES: Monday, December 9, 2013 from 8:30 a.m. to 4:45 p.m. CST—Tuesday, December 10, 2013 from 8:30 a.m. to 5:15 p.m. CST.

ADDRESSES: El Tropicano Riverwalk Hotel, 110 Lexington Avenue, San Antonio, TX 78025, Romeo & Julieta Ballroom, 3rd Floor.

FOR FURTHER CONTACT INFORMATION: Mail Delivery service through Recovering Warrior Task Force, Hoffman Building II, 200 Stovall St, Alexandria, VA 22332–0021 ''Mark as Time Sensitive for December Meeting''. Email correspondence to *rwtf@mail.mil.* Denise F. Dailey, Designated Federal Officer; Telephone (703) 325–6640. Fax (703) 325–6710.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR § 102–3.150.

Purpose of the Meeting: The purpose of the meeting is for the Task Force Members to convene and gather data from panels and briefers on the Task Force's topics of inquiry.

Agenda: (Refer to *http://rwtf.defense.gov* for the most up-to-date meeting information).

Day One: Monday, December 9, 2013

8:30 a.m.–8:45 a.m. Welcome, Member Introductions
8:45 a.m.–9:45 a.m. Installation Visit After Action Review
9:45 a.m.–10:00 a.m. Break
10:00 a.m.–11:00 a.m. San Antonio Military Health System Briefing
11:00 a.m.–12:00 a.m. DoD and VA Formal and Informal Agreements
12:00 p.m.–1:00 p.m. Break for Lunch
1:00 p.m.–2:00 p.m. Extremity Trauma and Amputation Center of Excellence (EACE)
2:00 p.m.–2:15 p.m. Break
2:15 p.m.–3:15 p.m. Hearing Center of Excellence (HCE)
3:15 p.m.–3:30 p.m. Break
3:30 p.m.–4:30 p.m. Humana's Military Warrior Navigation and Assistance Program (WNAP) Briefing
4:30 p.m.–4:45 p.m. Wrap Up

Day Two: Tuesday, December 10, 2013

8:30 a.m.–8:45 a.m. Welcome/Public Forum
8:45 a.m.–10:00 a.m. Air Force Wounded Warrior & Survivor Care Program
10:00 a.m.–10:15 a.m. Break
10:15 a.m.–11:15 a.m. Air Force Formal PEB Performance
11:15 a.m.–12:15 p.m. SAMMC Warrior Transition Battalion Leadership Briefing
12:15 p.m.–1:00 p.m. Break for Lunch
1:00 p.m.–2:00 p.m. San Antonio Polytrauma Rehabilitation Center
2:00 p.m.–2:15 p.m. Break
2:15 p.m.–3:15 p.m. Air Force Patient Squadron Briefing
3:15 p.m.–3:30 p.m. Break
3:30 p.m.–5:00 p.m. Panel of Recovering Warriors in Service or Veterans
5:00 p.m.–5:15 p.m. Wrap Up

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is on a first-come basis.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, the public or interested organizations may submit written statements to the Department of Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces about its mission and functions. If individuals are interested in making an oral statement during the Public Forum, a written statement for a presentation of two minutes must be submitted as stated in this notice and it must be identified as being submitted for an oral presentation by the person making the submission. Identification information must be provided and, at a minimum, must include a name and a phone number. Individuals may visit the Task Force Web site at *http://rwtf.defense.gov* to view the Charter. Individuals making presentations will be notified by Wednesday, December 4, 2013. Oral presentations will be permitted only on Tuesday, December 10, 2013 from 8:30 a.m. to 8:45 a.m. CST before the Task Force. The number of oral presentations will not exceed ten, with one minute of questions available to the Task Force members per presenter. Presenters should not exceed their two minutes.

Written statements in which the author does not wish to present orally may be submitted at any time or in response to the stated agenda of a planned meeting of the Department of

Defense Task Force on the Care, Management, and Transition of Recovering Wounded, Ill, and Injured Members of the Armed Forces.

All written statements shall be submitted to the Designated Federal Officer for the Task Force through the contact information in the **FOR FURTHER INFORMATION CONTACT** section, and this individual will ensure that the written statements are provided to the membership for their consideration.

Statements, either oral or written, being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed in the **FOR FURTHER INFORMATION CONTACT** section no later than 5:00 p.m. CST, Monday, December 2, 2013 with the subject of this notice. Statements received after this date may not be provided to or considered by the Task Force until its next meeting. Please mark mail correspondence as ''Time Sensitive for December Meeting.''

The Designated Federal Officer will review all timely submissions with the Task Force Co-Chairs and ensure they are provided to all members of the Task Force before the meeting that is the subject of this notice.

Reasonable accommodations will be made for those individuals with disabilities who request them. Requests for additional services should be directed to Ms. Heather Moore, (703) 325–6640, by 5:00 p.m. CST, Wednesday, December 4, 2013.

Dated: November 4, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–26720 Filed 11–6–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force

AGENCY: Director of Administration and Management, DoD.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal advisory committee closed meeting of the National Commission on the Structure of the Air Force (''the Commission'') has taken place. Due to difficulties finalizing the meeting agenda for the scheduled meeting of the National Commission on the Structure of the Air Force for November 5, 2013, this meeting notice is publishing in the **Federal Register** after the date of the meeting.

DATES: Dates of Closed Meeting, including Hearing and Commission Discussion: Tuesday, November 5, 2013, from 1:00 p.m. to 5:00 p.m.

ADDRESSES: 2521 South Clark Street, Suite 525, Crystal City, VA 22202 and a secure video teleconferencing line.

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *marcia.l.moore12.civ@mail.mil.* Desk (703) 545–9113. Facsimile (703) 692–5625.

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* This meeting was held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The Commissioners considered information and data from a variety of sources that will be presented and aggregated by employing several data, analytic and decision support tools, each of which contain classified information.

Agenda: The agenda items were:

— The role of airpower in the post-Afghanistan national security situations likely to be encountered by the Air Force capabilities and Airmen and the implications for the structure of the Air Force. This discussion will be organized into three categories. The ''Away Game,'' will involve emerging demands on Air Force capabilities such as: Intelligence, Surveillance and reconnaissance, Remotely Piloted Aircraft, Space, Cyber, Special Operations, and Building Partnership Capacity. Commissioners will also explore the implications of rising demands and expectations for the ''Home Game'' in missions such as Homeland Defense, Homeland Security, and Defense Support to Civil Agencies. This will include implications for the structure of the Air Force from the growing threat of the ''Away Game'' involving simultaneous attacks on the Homeland. The third area of discussion will be on the continuing growth of demand on traditional Air Force core functions including: Air Superiority, Air Mobility, Global Precision Attack, Nuclear Deterrence Operations, Command and Control, Personnel Recovery, Agile Combat Support, Training and Education, and other specific mission sets such as security forces, civil engineering and science and technology.

— Projections and assumptions about future resource levels that will be available to organize, train and equip the Air Force. This will include assumptions about how the Budget Control Act and Sequestration legislation will affect Total Obligational Authority and associated planning, programming and budgeting flexibility. Commissioners will also consider the impact of strategic choices on Air Force capabilities and force structure options derived from the selection of national priorities among modernization, technology, recapitalization, readiness, capacity and force structure. In this discussion Commissioners will consider the various approaches to how to calculate and apply cost methods and data to questions of force structure.

— The root causes of legislative and bureaucratic development of the force structure issues that led to the creation of the Commission in 2013. They will consider how these issues are rooted in the American militia heritage and the history of the Air Force since 1947. This discussion will extend to accounting for the socio-cultural dimensions of force structure issues ranging from the fundamental relationship of the American people to their military and to sub-cultures within the Air Force.

— How to institutionalize the shift in the fundamental role of the reserve components from a strategic reserve to an operational reserve with associated expectations. Commissioners will also consider the force mix options they are prepared to assess in terms of relative weight of force structure in each of the components. Commissioners will consider whether to recommend that the Department of Defense invert the force sizing planning paradigm from sizing to meet the expected wartime surge to an approach that begins with the Steady State Requirement then resource the components to provide the nation with a meaningful surge capacity for the strategy. They will also address considerations for measuring and assessing Active, Reserve and Guard Effectiveness—both cost and mission effectiveness.

— Alternative approaches to how the nation should direct, control and guide the active, reserve and National Guard Air Forces, including:

Whether, and if so how, to simplify Title 10, Title 32 and other governing legislative authorities;

How to re-balance the current mix of Active, Reserve and Guard components into and across any and all mission functions;
Whether, and if so how, to reorganize the Air Force Active, Reserve and National Guard into less than 3 components;
Can the Air Force move to a periodic readiness schedule without creating a ''hollow force;''
Does component ''ownership'' of aircraft matter anymore and how can the Associate Unit paradigm be adapted to the future;
Approaching future force integration of new systems capabilities by means of a Concurrent Proportional resourcing method across the components to replace today's priority of equipping the Active Component first;
Accelerating the adoption of a ''Continuum of Service'' model to facilitate the ability of Airmen to move from any component into another at multiple points in their career path without prejudice; Enhancing the total force through equalized opportunities across the components for professional and technical education and shared experiences.

Meeting Accessibility: In accordance with section 10(d) of the FACA, 5 U.S.C. 552b, and 41 CFR 102–3.155, the DoD has determined that the meeting that was scheduled for November 5, 2013 will be closed to the public in its entirety. Specifically, the Director of Administration and Management, with the coordination of the DoD FACA Attorney, has determined in writing that this meeting will be closed to the public because it will discuss classified information and matters covered by 5 U.S.C. 552b(c)(1).

Written Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open and/or closed meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements before forwarding to the Commission. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section. While written comments are forwarded to the Commissioners upon receipt, note that all written comments on the Commission's charge, as described in the 'Background' section, must be received by November 29, 2013, and postmarked by November 8, 2013 if mailed, to be considered by the Commissioners for the final report.

Due to difficulties finalizing the meeting agenda for the scheduled meeting of the National Commission on the Structure of the Air Force for November 5, 2013, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement.

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Mr. Michael L. Rhodes. The Commission is tasked to submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study. The comprehensive study of the structure of the U.S. Air Force will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources.

The evaluation factors under consideration by the Commission are for a U.S. Air Force structure that—(a) meets current and anticipated requirements of the combatant commands; (b) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each; (c) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States; (d) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited; (e) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and (f) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

Dated: November 4, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–26686 Filed 11–6–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability of Record of Decision for Naval Air Station Key West Airfield Operations, FL

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The United States Department of the Navy, after carefully weighing the strategic, operational and environmental consequences of the proposed action, announces its decision to support and conduct airfield operations at Naval Air Station (NAS) Key West by accomplishing the proposed action as set out in Alternative 2. Alternative 2 will provide for the transition from legacy aircraft to next generation aircraft, alteration of existing facilities as necessary to meet requirements for next generation aircraft, and will potentially accommodate carrier air wing detachment training events should primary carrier air wing training locations on the U.S. East Coast be unavailable. Total annual airfield operations could equal up to approximately 52,000 operations.

SUPPLEMENTARY INFORMATION: The complete text of the Record of Decision (ROD) is available on the project Web site at *http://www.keywesteis.com,* along with the Final Environmental Impact Statement for NAS Key West Airfield Operations, dated July 2013 and supporting documents. Single copies of the ROD are available upon request by contacting: Naval Facilities Engineering Command Southeast, Attn: NAS Key West Airfield Operations EIS Project Manager, P.O. Box 30, Building 903, NAS Jacksonville, FL 32212.

Dated: November 1, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–26705 Filed 11–6–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0109]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; William D. Ford Federal Direct Loan (Direct Loan) Program Federal Direct PLUS Loan Master Promissory Note and Endorser Addendum

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before December 9, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0109 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: William D. Ford Federal Direct Loan (Direct Loan) Program Federal Direct PLUS Loan Master Promissory Note and Endorser Addendum.

OMB Control Number: 1845–0068.

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 1,087,407.

Total Estimated Number of Annual Burden Hours: 343,704.

Abstract: The Federal Direct PLUS Loan Master Promissory Note (Direct PLUS Loan MPN) serves as the means by which an individual applies for and agrees to repay a Federal Direct PLUS Loan. The Direct PLUS Loan MPN also informs the borrower of the terms and conditions of Direct PLUS Loan and includes a statement of borrower's rights and responsibilities. A Direct PLUS Loan borrower must not have an adverse credit history. If an applicant for a Direct PLUS Loan is determined to have an adverse credit history, the applicant may qualify for a Direct PLUS Loan by obtaining an endorser who does not have an adverse credit history. The Endorser Addendum serves as the means by which an endorser agrees to repay the Direct PLUS Loan if the borrower does not repay it. This revision incorporates changes to information based on statutory and regulatory changes as well as expanding repayment plan information, deleting outdated information and clarifying information through updated charts and language.

Dated: November 4, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–26704 Filed 11–6–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0132]

Agency Information Collection Activities; Comment Request; Evaluating the Retired Mentors for Teachers Program

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing a new information collection.

DATES: Interested persons are invited to submit comments on or before January 6, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0132 or via postal mail, commercial delivery, or hand delivery. Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Acting Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Katrina Ingalls at 703–620–3655 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection

requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Evaluating the Retired Mentors for Teachers Program.

OMB Control Number: 1850-New.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 442.

Total Estimated Number of Annual Burden Hours: 274.

Abstract: OMB clearance is requested for a comprehensive randomized control trial study of the Retired Mentors for New Teachers program for probationary teachers developed by the Aurora Public School District (APS), in Aurora Colorado. The program uses recently retired master teachers to provide one-on-one mentoring to probationary teachers in high poverty elementary schools. The program was developed by APS over a three year period from 2008–2011. The district has partnered with REL Central to conduct a Randomized Control Trial (RCT) study of the program because it desires to understand program impacts on teacher retention, performance, and teacher evaluations. The district has committed resources to pay for the intervention as well as for teachers to participate in any data gathering activities, such as surveys or focus groups. This OMB clearance request is to collect data from 100 teachers and 8 teacher mentors. It does not include data collection from students.

Dated: November 4, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–26694 Filed 11–6–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0108]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Federal Direct Stafford/Ford Loan and Federal Direct Subsidized/ Unsubsidized Stafford/Ford Loan Master Promissory Note

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before November 7, 2013.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0108 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E103,Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Federal Direct Stafford/Ford Loan and Federal Direct Subsidized/Unsubsidized Stafford/Ford Loan Master Promissory Note.

OMB Control Number: 1845–0007.

Type of Review: Revision of an existing collection of information.

Respondents/Affected Public: Individuals or households.

Total Estimated Number of Annual Responses: 5,207,137.

Total Estimated Number of Annual Burden Hours: 2,603,569.

Abstract: The Federal Direct Stafford/Ford Loan (Direct Subsidized Loan) and Federal Direct Unsubsidized Stafford/Ford Loan (Direct Unsubsidized Loan) Master Promissory Note (MPN) serves as the means by which an individual agrees to repay a Direct Subsidized Loan and/or Direct Unsubsidized Loan. An MPN is a promissory note under which a borrower may receive loans for a single or multiple academic years. This revision incorporates changes to information based on statutory and regulatory changes as well as expanding repayment plan information, deleting outdated information and clarifying information through updated charts and language.

Dated: November 4, 2013.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–26710 Filed 11–6–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Privacy Act of 1974; System of Records: National Title I Study of Implementation and Outcomes; Early Childhood Language Development

AGENCY: Institute of Education Sciences, Department of Education.

ACTION: Notice of a new system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (Department) publishes this notice of a new system of records entitled ''National Title I Study of Implementation and Outcomes: Early Childhood Language Development'' (18–13–28). The National Center for Education Evaluation and Regional Assistance at the Department's Institute of Education Sciences (IES) awarded a contract in September 2009 to Mathematica Policy Research to conduct the Title I study.

The system of records will contain information on approximately 1,000 teachers, 5,000 students, and 5,000 parents from 100 Title I schools with prekindergarten programs in 11 school districts.

DATES: We must receive your comments on the system of records in this notice on or before December 9, 2013.

The Department filed a report describing the new system of records covered by this notice with the Chair of the Senate Committee on Homeland Security and Governmental Affairs, the Chair of the House Committee on Oversight and Government Reform, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on October 23, 2013. This system of records will become effective at the later date of: (1) The expiration of the 40-day period for OMB review on December 2, 2013, unless OMB waives 10 days of the 40–day review period for compelling reasons shown by the Department, or (2) December 9, 2013, unless the system of records needs to be changed as a result of public comment or OMB review. The Department will publish any changes to the system of records or routine uses that result from public comment or OMB review.

ADDRESSES: Address all comments about the proposed system of records to Dr. Audrey Pendleton, Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001. Telephone: (202) 208–7078. If you prefer to send your comments through the Internet, use the following address: *comments@ed.gov.*

You must include the term ''National Title I Study of Implementation and Outcomes: Early Childhood Language Development'' in the subject line of the electronic message.

During and after the comment period, you may inspect all public comments about this notice at the U.S. Department of Education in Room 502D, 555 New Jersey Avenue NW., Washington, DC, between the hours of 8:00 a.m. and 4:30 p.m., Washington DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Dr. Audrey Pendleton. Telephone: (202) 208–7078. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), you may call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the contact person listed in this section.

SUPPLEMENTARY INFORMATION: The Privacy Act (5 U.S.C. 552a) requires the Department to publish in the **Federal Register** this notice of a new system of records (5 U.S.C. 552a(e)(4) and (e)(11)). The Department's regulations implementing the Privacy Act are contained in part 5b of title 34 of the Code of Federal Regulations (CFR).

The Privacy Act applies to records about individuals that contain individually identifying information that are retrieved by a unique identifier associated with each individual, such as a name or social security number. The information about each individual is called a ''record,'' and the system, whether manual or computer-based, is called a ''system of records.''

The Privacy Act requires the Department to publish a system of records notice in the **Federal Register** and to prepare and send a report to OMB whenever the Department publishes a new system of records or makes a significant change to an established system of records. The Department is also required to submit reports to the Administrator of the Office of Information and Regulatory Affairs at OMB, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Chair of the House of Representatives Committee on Oversight and Government Reform. These reports are intended to permit an evaluation of the probable effect of the proposal on the privacy rights of individuals.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: October 23, 2013.

John Q. Easton,

Director, Institute of Education Sciences.

For the reasons discussed in the preamble, the Director of the Institute of Education Sciences, U.S. Department of Education, publishes a notice of a new system of records to read as follows:

18–13–28

SYSTEM NAME:

National Title I Study of Implementation and Outcomes: Early Childhood Language Development.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATIONS:

(1) Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences (IES), U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208–0001.

(2) Mathematica Policy Research, Inc., 600 Alexander Park, Suite 100, Princeton, NJ 08540 (contractor).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system will contain information on approximately 1,000 teachers, 5,000 students, and 5,000 parents from 100 Title I schools with prekindergarten programs in 11 school districts.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records will include personally identifying information about the sampled students in participating schools, including name; demographic information such as race, ethnicity, gender, and age; information on attendance; receipt of special education services; grade repetition; and scores on reading and language assessments. The system of records will also include personally identifying information about the parents of participating students, including names. The system of records will also include personally identifying information about the teachers participating in the evaluation, including name; demographic information, such as race, ethnicity, and gender; educational background; and teaching experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The evaluation is authorized under sections 171(b) and 173 of the Education Sciences Reform Act of 2002 (ESRA) (20 U.S.C. 9561(b) and 9563), and section 1501 of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act of 2001 (20 U.S.C. 6491). The grant programs that are the subject of this evaluation are authorized under sections 1111–1127 of Part A of Title I of the ESEA (20 U.S.C. 6311–6339).

PURPOSE(S):

The information contained in the records maintained in this system is used for the following purpose:

To identify and describe school supports and instructional practices associated with improved language development, background knowledge, and comprehension outcomes for children in prekindergarten through third grade. The study will address the following research questions:

(1) What practices do Title I schools use to support children's language development, background knowledge, and comprehension in prekindergarten through 3rd grade?

(2) What classroom instructional practices do teachers in Title I schools use to support children's language development, background knowledge, and comprehension in prekindergarten through 3rd grade?

(3) How do students' language skills, background knowledge, and comprehension develop in Title I schools between prekindergarten and 3rd grade?

(4) What school supports and classroom practices are associated with children's development of language skills, background knowledge, and comprehension in prekindergarten through 3rd grade in Title I schools?

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Department of Education (Department) may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement. Any disclosure of individually identifiable information from a record in this system must also comply with the requirements of section 183 of the ESRA (20 U.S.C. 9573) providing for confidentiality standards that apply to all collections, reporting, and publication of data by IES.

(1) *Research Disclosure.* The Director of IES may disclose information from this system of records to qualified researchers solely for the purpose of carrying out specific research that is compatible with the purpose of this system of records. The researcher shall be required to maintain safeguards with respect to such records under the Privacy Act and the ESRA. When personally identifiable information from a student's education record, which is protected pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g, will be disclosed to the researcher, the researcher also must comply with the requirements in the applicable FERPA exception to consent.

(2) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records in this system to the contractor's employees, the Department may disclose the records to those employees who have received the appropriate level of security clearance from the Department. Before entering into such a contract, the Department will require the contractor to establish and maintain the safeguards required under the Privacy Act (5 U.S.C. 552a(m)) with respect to the records in the system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The Department maintains records on CD–ROM, and the contractor (Mathematica Policy Research, Inc.) maintains data for this system on computers and in hard copy.

RETRIEVABILITY:

Records in this system are indexed and retrieved by a number assigned to each individual that is cross-referenced by the individual's name on a separate list.

SAFEGUARDS:

All physical access to the Department's site and to the sites of the Department's contractor, where this system of records is maintained, is controlled and monitored by security personnel. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a need-to-know basis, and controls individual users' ability to access and alter records within the system. The contractor will establish a similar set of procedures at its site to ensure confidentiality of data. The contractor is required to ensure that information identifying individuals is in files physically separated from other research data. The contractor will maintain security of the complete set of all master data files and documentation. Access to individually identifying data will be strictly controlled. All data will be kept in locked file cabinets during nonworking hours, and work on hardcopy data will take place in a single room, except for data entry. Physical security of electronic data will also be maintained. Security features that protect project data include: Password-protected accounts that authorize users to use the contractor's systems but to access only specific network directories and network software; user rights and directory and file attributes that limit those who can use particular directories and files and determine how they can use them; and additional security features that the network administrators will establish for projects as needed. The contractor's employees who ''maintain'' (collect, maintain, use, or disseminate) data in this system shall comply with the requirements of the confidentiality standards in section 183 of the ESRA (20 U.S.C. 9573).

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the Department's

Records Disposition Schedules ED 068.a (NARA Job Number: N1–441–08–18).

SYSTEM MANAGER AND ADDRESS:

Associate Commissioner, Evaluation Division, National Center for Education Evaluation and Regional Assistance, Institute of Education Sciences, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502D, Washington, DC 20208.

NOTIFICATION PROCEDURE:

If you wish to determine whether a record exists regarding you in the system of records, contact the systems manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

RECORD ACCESS PROCEDURE:

If you wish to gain access to your record in the system of records, contact the system manager. Your request must meet the requirements of regulations at 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURE:

If you wish to contest the content of a record regarding you in the system of records, contact the system manager. Your request must meet the requirements of the regulations at 34 CFR 5b.7, including proof of identity.

RECORD SOURCE CATEGORIES:

This system contains records on parents, teachers, and students participating in a study of early childhood language development in Title I schools. Data will be obtained from assessments administered to students and surveys of teachers.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 2013–26748 Filed 11–6–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Agency Information Collection Extension

AGENCY: U.S. Department of Energy.

ACTION: Submission for Office of Management and Budget (OMB) review; comment request.

SUMMARY: The Department of Energy (DOE) has previously published its Agency Information Collection Extension request in the **Federal Register** on Thursday, August 29, 2013 (78 FR 53436) and submitted an information collection request to the OMB for extension under the provisions of the Paperwork Reduction Act of 1995. The Estimated Number of Respondents in the previously published information collection request, 41,340, is incorrect. The correct Estimated Number of Respondents for DOE's Financial Assistance Information Collection (OMB Number 1910–0400) is 10,335. The information collection requests a three-year extension of its Financial Assistance Information Collection, OMB Control Number 1910–0400. This information collection request covers information necessary to administer and manage DOE's financial assistance programs.

DATES: Comments regarding this collection must be received on or before December 9, 2013. If you anticipate difficulty in submitting comments within that period or if you want access to the collection of information, without charge, contact the person listed below as soon as possible.

ADDRESSES: Written comments should be sent to the following: DOE Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10102, 735 17th Street NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Richard Bonnell by email at *richard.bonnell@hq.doe.gov.* Please put ''2013 DOE Agency Information Collection Extension'' in the subject line when sending an email.

SUPPLEMENTARY INFORMATION: This information collection request contains: (1) OMB No. 1910–0400 (Renewal); (2) *Information Collection Request Title:* DOE Financial Assistance Information Clearance; (3) *Type of Request:* Renewal; (4) *Purpose:* This package contains information collections necessary to annually plan, solicit, negotiate, award, administer, and closeout grants and cooperative agreements under the Department's financial assistance programs; (5) *Estimated Number of Respondents* 10,335; (6) *Estimated Total Burden Hours:* 573,732; and (7) *Number of Collections:* The information collection request contains 16 information and/or recordkeeping requirements; (8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $0.

Statutory Authority: Federal Grant and Cooperative Agreement Act, 31 U.S.C. 6301–6308. Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

Issued in Washington, DC, on October 30, 2013.

David Boyd,

Deputy Director, Office of Acquisition and Project Management.

[FR Doc. 2013–26702 Filed 11–6–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–12–000]

Sabine Pass Liquefaction, LLC; Sabine Pass LNG, L.P.; Notice of Application to Amend Authorization Under Section 3 of the Natural Gas Act

Take notice that on October 25, 2013 Sabine Pass Liquefaction, LLC and Sabine Pass LNG, L.P. (collectively, Sabine Pass), 700 Milam Street, Suite 800, Houston, Texas 77002, filed in Docket No. CP14–12–000, an application, pursuant to section 3(a) of the Natural Gas Act (NGA) and Part 153 of the Commission's Regulations, to amend the authorizations granted on April 16, 2012 in Docket No. CP11–72–000 (Liquefaction Project), as amended in Docket No. CP13–2 on August 2, 2013, in order to increase the total LNG production capacity of the Liquefaction Project from the currently authorized 2.2 Bcf per day (803 Bcf per year) to 2.76 Bcf per day (1,006 Bcf per year). Sabine Pass' requested increase in authorized capacity is an increase from the current, conservatively estimated nominal capacity to a peak or maximum capacity at ideal operating conditions. No new facilities are proposed, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any questions regarding this application should be directed to Patricia Outtrim, Vice President, Governmental and Regulatory Affairs, Cheniere Energy, Inc., 700 Milam Street, Suite 800, Houston, Texas 77002, or call (713) 375–5000, or by email *pat.outtrim@cheniere.com.* Or contact Lisa M. Tonery, Partner, Fulbright & Jaworski LLP, 666 Fifth Avenue, New York, NY 10103, or call (212)318–3009, or by email *lisa.tonery@nortonrosefulbright.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: Complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of

Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit an original and 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 7 copies of the protest or intervention to the Federal Energy regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on November 14, 2013.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26655 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 13687–002, 14554–000]

Notice of Competing Preliminary Permit Applications Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; American Municipal Power, Inc.; FFP Project 3, LLC

On September 4, 2013, American Municipal Power, Inc. (AMP) and Free Flow Power Project 3, LLC (FFP) filed preliminary permit applications, pursuant to section 4(f) of the Federal Power Act, proposing to study the feasibility of a hydropower project at the U.S. Army Corps of Engineers' (Corps) Pike Island Lock and Dam, located on the Ohio River near the City of Yorkville, Ohio, in Belmont County, Ohio, and Ohio County, West Virginia. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

AMP's proposed Pike Island Hydro Project No. 13687–002 would be located at the west end of the existing Pike Island dam structure and consist of: (1) A 155-foot-wide, 71-foot-tall water intake structure; (2) a 155-foot-wide, 189-foot-long concrete powerhouse containing two turbine-generators each rated at 25 megawatts (MW) for a total installed capacity of 50 MW; (3) a 160-foot-wide, 350-foot-long tailrace channel; (4) a 8.75-mile-long, 138-kilovolt (kV) overhead transmission line conveying the project power to a substation belonging to American Electric Power Corporation and located in Brillant, Ohio; and (5) appurtenant facilities. The project would occupy several acres of federal lands, would operate run-of-river and generate about 256,000 megawatt-hours (MWh) annually.

Applicant Contact: Philip E. Meier, Vice President Hydro Electric Development and Operations, American Municipal Power, Inc., 1111 Schrock Road, Suite 100, Columbus, OH 43229, phone 614–540–0913.

FFP's Pike Island Hydroelectric Project No. 14554–000 would also be located at the west end of the existing Pike Island dam structure and consist of: (1) A 225-foot-wide, 50-foot-long water intake structure; (2) a 160-foot-wide, 140-foot-long concrete powerhouse containing three turbine-generators each rated at 15 MW for a total installed capacity of 45 MW; (3) a 200-foot-wide, 500-foot-long tailrace channel; (4) a 7,800-foot-long, 138-kilovolt (kV) overhead transmission line conveying the project power to a substation belonging to Ohio Power and located in Tiltonsville, Ohio; and (5) appurtenant facilities. The project would occupy several acres of federal lands, would operate run-of-river and generate about 225,000 MWh annually.

Applicant Contact: Ramya Swaminathan, Free Flow Power Corporation, 239 Causeway Street, Suite 300, Boston, MA 02114, phone 978–283–2822, extension 105.

FERC Contact: Sergiu Serban, email *sergiu.serban@ferc.gov*, phone 202–502–6211.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13687–002 or P–14554–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–13687–002, or P–14554–000) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 31, 2013..

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26653 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13287–004–NY]

Notice of Availability of Draft Environmental Assessment; City of New York

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license for the proposed 14.08-megawatt (MW) Cannonsville Hydroelectric Project, which would be located on the City of New York's existing Cannonsville Dam, which impounds its Cannonsville Water Supply Reservoir. The dam and reservoir are located on the West Branch of the Delaware River, near the Township of Deposit, in Delaware County, New York. Commission staff prepared a draft Environmental Assessment (draft EA) which analyzes the potential environmental effects of construction and operation of the project and concludes that issuing a new license for the project, with appropriate environmental measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the draft EA is on file with the Commission and is available for public inspection. The draft EA may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866) 208–3676, or for TTY, (202) 502–8659.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Comments on the draft EA should be filed within 30 days from the date of this notice. The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov*, (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13287–004.

For Further Information Contact: John Mudre at (202) 502–8902.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26658 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP14–4–000; CP14–9–000]

Texas Eastern Transmission, LP; Notice of Intent To Prepare an Environmental Assessment for the Proposed Emerald Longwall Mine Panel D1 and Consol Baily East Mine Panel 1l Projects and Request for Comments on Environmental Issues; Texas Eastern Transmission, LP

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Emerald Longwall Mine Panel D1 Project in Docket No. CP14–4–000 and the Consol Baily East Mine Panel 1L Project in Docket No. CP14–9–000 (projects). The projects involve the excavation, abandonment, replacement, temporary elevation, and reburial of pipeline facilities currently operated by Texas Eastern Transmission, LP (Texas Eastern) in Greene County, Pennsylvania to facilitate the underground mining of coal. The Commission will use this EA in its decision-making process to determine whether the projects are in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the projects. Your input will help the Commission staff determine what issues they need to evaluate in the EA. Please note that the scoping period will close on December 2, 2013.

You may submit comments in written form. The details on how to submit written comments are in the Public Participation section of this notice.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of these proposed projects and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of a temporary easement to abandon, replace, elevate and monitor the proposed activities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline

company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

Texas Eastern provided landowners with a fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' This fact sheet addresses a number of typically-asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is also available for viewing on the FERC Web site (*www.ferc.gov*).

Summary of the Proposed Project

Texas Eastern Transmission, LP is seeking authorization from the FERC pursuant to Sections 7(b) and 7(c) of the Natural Gas Act for the projects, which includes work to be performed for the planned longwall coal mining activities of Emerald Coal Resources, LP (Emerald) in Panel D1 of its mine and Consol Pennsylvania Coal Company, LLC (Consol) for its Baily Mine in Panel 1L. Texas Eastern designed the projects to ensure the safe and efficient operation of its existing pipeline facilities at their certificated design capacities during the planned longwall mining activities at both mines which include mining coal below the pipelines and then allowing the mine roof to collapse after removing the mine braces.

Texas Eastern proposes to excavate and elevate sections of Lines 2, 10, 15, and 25 totaling 14,760 feet in length over the Emerald mine and sections of Lines 10, 15, 25, and 30 totaling 19,790 feet over the Consol mine to monitor and mitigate potential strains and stresses on these pipeline sections. Texas Eastern would also replace with like-diameter pipeline the excavated segments of Lines 10, 15, and 25 over both mines, during pipe elevation. The four mainline segments at each mine would remain elevated using sandbags and skids for about 2 years until the longwall mining activities have been completed and the area is allowed time to settle. Additionally, a 2,700 foot segment of previously idled Line 1 would be abandoned by removal to allow additional space for re-installation of Line 25 over the Emerald mine and 5 feet of Line 1 would be abandoned by removal at the Consol mine. During the actual subsidence event, all segments would be monitored with strain gauges, and adjustments to sandbags and skids would be made, as necessary, to minimize pipeline stresses. After mining and allowing for a settlement period, the pipelines would be reburied within Texas Eastern's existing easements.

Also at the Emerald mine, Texas Eastern would install a temporary aboveground 4-inch-diameter pipeline to isolate its existing Line 10–K that connects Lines 10 and 15 to meter and regulator (M&R) station 70020. This temporary pipeline would also be elevated and monitored during mining. After mining the original pipeline would be reconnected between the pipelines and the M&R station. A section of previously abandoned Line 2 would also be removed within the same right-of-way as Line 1.

The general location of the project facilities is shown in appendix 1.[1]

Land Requirements for Construction

The projects would disturb about 19.4 acres of land for the excavation, abandonment, replacement, elevation, and reburial at the Emerald mine and 26.0 acres at the Consol mine, most of which consists of existing previously disturbed easements. The acreages include permanent and temporary construction right-of-way, access roads, and wareyards. Following pipeline reburial and restoration, Texas Eastern would continue to maintain its existing 16.6 acres of easement at the Emerald mine and 18.4 acres at the Consol mine for the continued permanent operation of its pipelines; the remaining acreage would be restored and allowed to revert to former uses.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [2] to discover and address concerns the public may have about proposals. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the excavation, abandonment, replacement, temporary elevation, and reburial of Texas Eastern's existing pipeline facilities under these general headings:

- Geology and soils;
- land use;
- water resources, fisheries, and wetlands;
- cultural resources;
- vegetation and wildlife;
- air quality and noise;
- endangered and threatened species; and
- public safety.

We will also evaluate reasonable alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before making our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section beginning on page 5.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues of this project to formally cooperate with us in the preparation of the EA.[3] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the Pennsylvania State Historic Preservation Office (SHPO), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[4] We will define the

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary'' or from the Commission's Public Reference Room, 888 First Street NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[2] ''We,'' ''us,'' and ''our'' refer to the environmental staff of the Commission's Office of Energy Projects.

[3] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40, Code of Federal Regulations, § 1501.6.

[4] The Advisory Council on Historic Preservation's regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic

project-specific Area of Potential Effects (APE) in consultation with the SHPO as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before December 2, 2013.

For your convenience, there are three methods which you can use to submit your comments to the Commission. In all instances please reference the appropriate project docket number(s) (CP14–4–000 and/or CP14–9–000) with your submission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *efiling@ferc.gov.*

(1) You can file your comments electronically using the *eComment* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You can file your comments electronically using the *eFiling* feature on the Commission's Web site (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''*eRegister.''* You must select the type of filing you are making. If you are filing a comment on a particular project, please select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the following address: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Room 1A, Washington, DC 20426.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the proposed project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Instructions for becoming an intervenor are in the User's Guide under the ''e-filing'' link on the Commission's Web site.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC Web site at *www.ferc.gov* using the ''eLibrary'' link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (i.e., CP14–4–000 or CP14–9–000). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/esubscribenow.htm.*

Finally, public meetings or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26659 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10482–111]

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests; Eagle Creek RE, LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amend Article 405 Operational Changes to Toronto East Public Access Recreation Area.

b. *Project No:* 10482–111.

c. *Date Filed:* June 24, 2013.

d. *Applicant:* Eagle Creek RE, LLC.

e. *Name of Project:* Swinging Bridge Hydroelectric Project.

f. *Location:* The Toronto Reservoir, part of the Swinging Bridge Hydroelectric Project, is located on Black Lake Creek in Sullivan County, New York. The Toronto East Public Access Area is located near the dam and is accessed from Pine Grove Road, Bethel, New York.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Robert A. Gates, Senior Vice President Operations, Eagle Creek RE, LLC, 65 Madison Avenue, Suite 500, Morristown, NJ 07960, (973) 998–8400.

i. *FERC Contact:* Mary Karwoski at (202) 502–6543, or email: *mary.karwoski@ferc.gov.*

j. *Deadline for filing comments, motions to intervene, and protests:* December 2, 2013.

All documents may be filed electronically via the Internet. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and seven copies to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–10482–111) on any comments, motions, or recommendations filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* Eagle Creek RE, LLC requests Commission approval to modify operational parameters for the Toronto East Recreation Access Area. Changes requested include closing the recreation area from near dusk to dawn year round, installing an automatic gate, and establishing and modifying policies regarding recreation activities, hours of operation and maintenance scheduling.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26657 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14543–000]

Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications; Hydro Green Energy, LLC

On August 5, 2013, Hydro Green Energy, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Fort Ross Project to be located near the town of Jenner, Sonoma County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would consist of the following: (1) A 30-foot-high, 3,881-foot-long upper earthen embankment constructed with rubber sheet and asphalt lining; (2) an upper reservoir having a total/usable storage capacity of 5,399 acre-feet at normal maximum operation elevation of 1,700 feet above mean sea level; (3) four 19,000-foot-long by 10-foot-diameter steel lined penstocks connecting the upper reservoir to the Pacific Ocean; (4) a 500-foot-long, 250-foot-diameter concrete lined tailrace; (5) a concrete and steel lined pressure shaft; (6) five 254-megawatt, reversible variable-speed pump-turbines; (7) a new powerhouse and substation located approximately 100 feet below ground and approximately 250 feet long by 75 feet wide by 100 feet high; (8) a vertical access tunnel approximately 400 feet high and 30 feet in diameter; (9) a breakwater constructed from precast concrete tetrapods; and (10) a new single-circuit 230-kilovolt transmission line approximately 24.7 miles in length. The estimated annual generation of the Fort Ross Project would be 3,714.4 gigawatt-hours.

Applicant Contact: Mr. Mark Stover, Hydro Green, LLC, 900 Oakmont Lane, Suite 310, Westmont, IL 60559; phone: (877) 556–6566 ext. 709.

FERC Contact: Mary Greene; phone: (202) 502–8865.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of

intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. The first page of any filing should include docket number P–14543–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14543) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26660 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–11–000]

Notice of Request Under Blanket Authorization; Southern Star Central Gas Pipeline, Inc.

Take notice that on October 21, 2013 Southern Star Central Gas Pipeline, Inc. (Southern Star), 4700 Highway 56, Owensboro, Kentucky 42301, filed in the above Docket, a prior notice request pursuant to sections 157.205 and 157.208 of the Commission's regulations under the Natural Gas Act (NGA) for authorization to increase the Maximum Operating Pressure (MOP) of approximately 9.25 miles of pipeline located in Johnson and Pettis Counties, Missouri, under authorization issued to Southern Star in Docket No. CP82–479–000 pursuant to Section 7 of the NGA, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions concerning this application may be directed to Phyllis K. Medley, Senior Analyst, 4700 Highway 56, P.O. Box 20010, Owensboro, Kentucky 42301, at (270) 852–4653.

Specifically, Southern Star proposes to uprate approximately 9.25 miles of pipeline from the current 360 psig MOP, to 720 psig MOP. Southern Star states that the only cost to be incurred is approximately $229,000 for changes to auxiliary facilities.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Any person may, within 60 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention. Any person filing to intervene or the Commission's staff may, pursuant to section 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) file a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the NGA.

The Commission strongly encourages electronic filings of comments, protests, and interventions via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*www.ferc.gov*) under the ''e-Filing'' link.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26654 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER13–2108–000]

Supplemental Notice for Staff Technical Conference; PJM Interconnection, L.L.C.

As announced in the Notice of Technical Conference issued on October 11, 2013, there will be a staff technical conference in the above captioned proceeding on November 13, 2013 beginning at 9 a.m. at the Commission's headquarters, located at 888 First Street NE., Washington, DC 20426. Please note that the room has changed and will be posted on the day of the conference. The conference will consist of one panel composed of representatives from PJM Interconnection, LLC; Comverge, Inc.; and PSEG Energy Resources and Trade, LLC. There will also be an opportunity for comment or questions from other parties.

FERC conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations please send an email to a*ccessibility@ferc.gov* or call toll free (866) 208–3372 (voice) or (202) 502–8659 (TTY), or send a fax to (202) 208–2106 with the required accommodations.

Parties will be provided an opportunity to file comments after the conference. Comments will be due November 27, 2013. Reply comments will be due December 4, 2013.

Parties seeking additional information regarding this conference should contact Tristan Cohen at *Tristan.Cohen@ferc.gov* or (202) 502–6598.

Dated: October 31, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–26656 Filed 11–6–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2013–0652; FRL 9902–37–OW]

Alaskan Seafood Processing Effluent Limitations Guidelines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of data and information.

SUMMARY: This notice makes available for public review and comment additional data and information gathered recently by the Environmental Protection Agency (EPA) from seafood processing facilities in Alaska and other publicly available sources. These data relate to the applicability of and discharge requirements for the Alaskan seafood subcategories of the Canned and Preserved Seafood Processing effluent limitations guidelines. EPA is providing preliminary results of analyses of the updated data and preliminary indications of how these results may be reflected in EPA's final response to petitions submitted in 1980 by certain members of the Alaskan seafood processing industry, and in amended effluent limitations guidelines applicable to certain Alaskan seafood processing discharges which EPA is considering whether to promulgate in final form.

DATES: Comments on this Notice, as well as any additional pertinent information and data must be received on or before January 6, 2014. Comments and additional data and information postmarked after this date may not receive the same consideration.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OW–2013–0652, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: OW-Docket@epa.gov,* Attention Docket ID No. EPA–HQ–OW–2013–0652.
- *Mail:* Water Docket, U.S. Environmental Protection Agency, Mail code: 4203M, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Attention Docket ID No. EPA–HQ–OW–2013–00652. Please include three copies.
- *Hand Delivery:* Water Docket, EPA Docket Center, EPA West Building Room 3334, 1301 Constitution Ave. NW., Washington, DC, Attention Docket ID No. EPA–HQ–OW–2013–00652. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information by calling 202–566–2426.

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Water Docket in the EPA Docket Center, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The Public Reading Room is open from 8:30 a.m. until 4:30 p.m., EST, Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Office of Water is (202) 566–2426.

FOR FURTHER INFORMATION CONTACT: Lindsay Guzzo, Office of Water and Watersheds, NPDES Permit Unit (OWW–130), 1200 Sixth Avenue, Suite 900, Seattle, WA 98101; (206) 553–0268, *guzzo.lindsay@epa.gov,* or Donald F. Anderson, Engineering and Analysis Division (4303T), U.S. EPA, 1200 Pennsylvania Ave. NW., Washington, DC 20460; (202)566–1021; *anderson.donaldf@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. General Information

A. Does this notice apply to me?

Entities potentially affected by this action include:

Category	Example of regulated entity	North American Industry Classification System Code
Industry	Seafood Canning; Fresh and Frozen Seafood Processing	311711; 311712
States	Where they are the Control Authority	221320

This section is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this notice. Other types of entities that do not meet the above criteria could also be affected. To determine whether your facility would be affected by this notice, you should carefully examine the applicability criteria listed in the Code of Federal Regulations, Chapter 40, Part 408, § 408.40, § 408.60, § 408.90, § 408.160, § 408.170, § 408.200, § 408.290, § 408.310, and the definitions in § 408.10 of the regulation and detailed further in Section VI of this Notice of availability of data and information (hereinafter referred to as ''NODA''). If you still have questions regarding the applicability of this action to a particular entity, consult one of the persons listed for technical information in the preceding section, **FOR FURTHER INFORMATION CONTACT**.

B. What should I consider as I prepare my comments for EPA?

Direct your comments to Docket ID No. EPA–HQ–OW–2013–0652. EPA's policy is that all comments received

will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through *www.regulations.gov* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. No confidential business information (CBI) should be sent by email.

C. Submitting CBI

Do not submit CBI to EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information you are claiming as CBI. In addition to one complete version of the comment that includes information claimed as CBI, you must submit a copy of the comment that does not contain the information claimed as CBI for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2.

D. Tips for Preparing Your Comments

When submitting comments, remember to:

- Identify the action by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow it to be reproduced.
- Provide specific examples to illustrate your concerns, and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

II. Purpose of This Notice

In 1980, members of the Alaskan seafood processing industry submitted two petitions to EPA. The first petition, submitted on May 7, 1980, requested that EPA modify the effluent limitations guidelines (ELG) regulations for facilities located in five areas—Anchorage, Cordova, Juneau, Ketchikan, and Petersburg—which the ELGs classified as ''non-remote.'' The petition presented preliminary material; the petitioners stated that they would submit additional material by June 16, 1980. On May 19, 1980, EPA suspended the applicability of ELGs for non-remote facilities in the five areas pending submission of additional new information and data by the industry. The suspension had the effect of designating these locations as remote for BPT for the facilities in the five locations. In a supplemental petition, dated June 16, 1980, the Petitioners again requested that EPA modify the regulations to remove Anchorage, Cordova, Juneau, Ketchikan, and Petersburg from the non-remote Alaska subcategories. Petitioners also presented additional material and supporting documentation for the May 7, 1980 petition. On January 9, 1981, EPA proposed to deny the petition to modify and amend the ELGs for Anchorage, Cordova, Ketchikan and Petersburg. EPA also proposed to grant the petition to remove Juneau from the non-remote subcategories. EPA stated that the May 1980 suspension would remain in effect until EPA made a final decision. The Agency has not made a final decision and the suspension has remained in effect since 1980.

EPA recently gathered new data and information and performed supporting analyses to update the 1981 proposal. In the current notice, EPA is making available to the public for review and comment the new data and information recently gathered along with supporting analyses. EPA presents further discussion of how the updated record material may affect a final response and amendment of the ELGs in Section VII. of this notice, below, Updated Response to Petition and Amendment to Regulations Being Considered.

The scope of EPA's action in the 1981 proposal and in this notice pertains only to the applicability of the effluent limitations guidelines for Alaskan subcategories in areas subject to the 1980 petition, EPA's 1980 suspension, and EPA's 1981 proposal. EPA is not reconsidering the numerical effluent limitations either for remote or non-remote subcategories.

III. Background

The Clean Water Act (CWA, or the Act), 33 U.S.C. 1251 *et seq.,* requires, among other things, that EPA establish effluent limitations guidelines for point sources, other than publicly owned treatment works (POTWs). The Act requires that the effluent limitations must be achieved not later than July 1, 1977, based on the application of the best practicable control technology currently available (BPT) as defined by the Administrator pursuant to Section 304(b) of the Act, 33 U.S.C. 1314(b). See 33 U.S.C. 1311(b)(1)(A). Section 304(b) requires the Administrator to publish regulations providing guidelines for effluent limitations and to revise those regulations as appropriate. 33 U.S.C. 1314(b). The factors relating to the assessment of the BPT currently available to comply with Section 301(b)(1)(A):

> * * * shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate. 33 U.S.C. 1314(b)(1)(B).

The Administrator published final effluent limitations guidelines (ELGs) for the Canned and Preserved Seafood Processing Point Source Category, 40 CFR Part 408, on June 26, 1974 (39 FR 23134), and December 1, 1975 (40 FR 55770). The seafood processing ELGs created two groups of subcategories for

seafood processing facilities in Alaska based on location: remote and non-remote.

For remote facilities, the effluent limitations guidelines representing best practicable control technology currently available (BPT) are based on grinding and discharge of the facility's effluent with a numerical effluent limitation on the size of particles discharged (not greater than ½ inch in any dimension). (Hereinafter referred to as ''grinding''). Remote ELGs are applicable to seafood processors not located in a ''population or processing center'' (this term is explained below).

For non-remote facilities, the BPT limits are based on screening the wastewater to meet the mass-based effluent limitations for total suspended solids (TSS) and oil and grease, and an allowable range for pH. (Hereinafter this process is referred to as ''screening''). Non-remote facilities are those located in ''population or processing centers.'' The phrase ''population or processing centers'' intentionally was not defined in the regulations. Instead, the non-remote ELGs provide a non-exclusive list of locations, which include, but are not limited to, Anchorage, Cordova, Juneau, Ketchikan, Kodiak, and Petersburg. See 40 CFR 408.40, 408.60, 408.90, 408.162(b)(1), 408.165(a)(1). 408.172(b)(1), 408.175(a)(1), 408.202(b)(1), 408.205(a)(1), 408.292(b)(1), 408.295(a)(1), 408.312(b)(1), and 408.315(a)(1). In non-remote population or processing locations, the ELGs as originally promulgated are applicable to land-based processors. However, with the growth of floating processors in Alaskan waters, the ELGs also have been applied as necessary and appropriate in general permits issued to many of these floating processors since the mid-1980s. In 1980, the Association of Pacific Fisheries, a trade association representing processors in affected subcategories, challenged the EPA regulations in federal court. The petitioners argued that in evaluating BPT, EPA improperly ignored or underestimated the benefits of grinding technology and overestimated the benefits of using screening technology. On February 4, 1980, the United States Court of Appeals for the Ninth Circuit upheld EPA's BPT regulations in all respects raised in the present petition. *Assn. of Pac. Fisheries* v. *EPA,* 615 F.2d 794 (9th Cir. 1980). The Court found that ''[g]iven the limitations the Agency faced when it adopted industry standards for the first time . . ., there was a sufficient basis for promulgating the regulations as an initial matter.'' *Id.* at 809. The Court noted, however, that various avenues for reexamination of the regulations remained. These avenues included the possibility that the seafood processors might file a petition for reconsideration requesting that EPA consider whether new evidence offered by the Petitioners requires EPA to review its original actions. *Id.* at 812.

Subsequently, in a May 19, 1980 **Federal Register** notice, EPA announced that members of the Alaskan seafood processing industry had submitted a Petition for Suspension and Preliminary Petition for Modification requesting that EPA suspend the applicability of the ELGs for the 1980 salmon processing season (May 15, 1980—October 15, 1980). 45 FR 32675 (May 19, 1980). EPA noted that processing plants in Anchorage, Cordova, Juneau, Ketchikan and Petersburg had not yet installed wastewater screening equipment necessary to comply with the effluent limitations guidelines applicable in these locations. *Id.* The ELGs for non-remote Alaskan seafood subcategories also include Kodiak as a non-remote location. However, Petitioners conceded that Kodiak was not included in the original or supplemental petition because the location met the statutory criteria for BPT based on screening. 45 FR 52411, 52412 (August 7, 1980).

The industry anticipated a record salmon catch for the 1980 season, creating concerns about the potential impact of non-compliance. If facilities in Anchorage, Cordova, Juneau, Ketchikan and Petersburg were unable to operate due to non-compliance with the effluent limitations, the result would be an incomplete salmon harvest and a significant negative impact on the Alaskan economy. 45 FR 32675 (May 19, 1980). The petition also expressed the concern that costs of the BPT effluent limitations guidelines based on screening were out of proportion to effluent reduction benefits. 45 FR 52411, 52412–52416 (August 7, 1980).

EPA announced in the May 19, 1980 notice that the Agency would temporarily suspend the applicability of the non-remote ELGs for Anchorage, Cordova, Juneau, Ketchikan, and Petersburg to allow time for the Agency to consider all the new information relevant to the costs and effluent reduction benefits and to provide economic relief for the industry. (45 FR 32675, May 19, 1980). As a result, facilities in those locations became subject to the less stringent effluent limitations guidelines based upon grinding applicable in remote locations. The temporary suspension was to expire on October 15, 1980. The Petitioners agreed to submit a complete Petition for Modification by June 16, 1980. *Id.*

The Petitioners submitted the supplemental petition on June 16, 1980 requesting a new rulemaking to modify the Alaskan non-remote ELGs affecting seafood processing wastewater discharges in Anchorage, Cordova, Juneau, Ketchikan and Petersburg. In the supplemental petition to modify the regulations, the Petitioners maintained, in part, that the costs of screening associated with the non-remote ELGs were out of proportion to the effluent reduction benefits achieved and that screening was not a practicable technology. In a letter dated July 16, 1980, EPA asked the Petitioners to submit additional information; Petitioners submitted the additional information on August 15, 1980. On August 7, 1980, EPA published a notice of availability of the industry's supplemental petition to modify (published in its entirety). In the August 7, 1980 notice, EPA reiterated that the suspension would remain in effect until October 15, 1980. By that date, EPA expected to either grant or deny the petition for modification 45 FR 52411 (August 7, 1980).

After reviewing all of the information submitted as well as other information available in the record, EPA published a proposed response and amendments to the ELGs for public comment in the **Federal Register** in January 1981. 46 FR 2544 (January 9, 1981). In the response, EPA proposed to deny the petition to remove the locations of Anchorage, Cordova, Ketchikan and Petersburg from the non-remote ELG subcategories, and to grant the petition to remove Juneau from the non-remote subcategories. EPA also proposed to include Ward Cove as part of Ketchikan in the list of non-remote locations. EPA's notice also indicated that it was considering, but not proposing at that time, the addition of Dutch Harbor and the Kenai Peninsula as non-remote processing centers. Last, EPA proposed to amend the existing new source performance standards (NSPS) in the non-remote subcategories to assure that new sources in locations classified as non-remote for purposes of BPT would also be subject to new source performance standards based on screening technology representing best available demonstrated control technology. *Id.*

EPA based its proposed response in part on an analysis of industry data submitted in 1980. EPA's preliminary conclusion was that the number and size of processors, the quantity of wastes generated, the length of the processing season, the proximity of facilities that could process the waste solids, along

with other factors, made it possible for processors to meet a requirement based on screening. 46 FR 2546. (January 9, 1981). EPA noted that the petition failed to account adequately for the potential effluent reduction benefits of offshore disposal of screened fish wastes. EPA also noted that the use of by-product recovery facilities could result in lower total amounts of pollutants being discharged in the near-shore receiving waters and screened wastes disposed offshore, and a reduced overall cost of waste disposal. See 46 FR 2545–2546 (January 9, 1981) for additional details on the contents of the petition, and at pages 2546–2547 for a summary of the basis for EPA's 1981 proposed response to the petition.

EPA received comments on the 1981 proposal including comments from the Petitioners and the Alaska Department of Environmental Conservation (ADEC). Major comments from the Petitioners and ADEC asserted that EPA was not responsive to the industry's petition and EPA's basis for the proposed response included a number of unsupported assertions as well as erroneous costs and underlying assumptions. Commenters also asserted that EPA underestimated the cost of the effluent limitations guidelines based on screening and underlying solids disposal technologies, including barging for offshore disposal of screened fish wastes and by-product recovery, and that the costs associated with screening and solids disposal technologies did not support the effluent reduction benefits. The Petitioners objected to relying on competitor's by-product recovery facilities, and ADEC stated that EPA should consider the assimilative capacity of receiving bodies of water and establish site-specific effluent limitations. Comments received are found in the public record [DCN 00252–00254].

In the 1981 proposal, EPA stated that because of the time required to obtain complete information from the Petitioners, review the petition and the public comments, and conduct the Agency's technical and economic analyses of the petition to modify, EPA was unable to respond to the petition by October 15, 1980, the date the temporary suspension was to end. EPA also stated that the temporary suspension would remain in effect until EPA made a final decision. 46 FR 2544 (January 9, 1981). EPA has not taken action on its 1981 proposal. As a result, since May 19, 1980, the seafood processors located in Anchorage, Cordova, Juneau, Ketchikan, and Petersburg have remained subject to the less stringent ELGs based on grinding.

In 2001, EPA Region 10 proposed the reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for Alaskan Seafood Processors, NPDES Permit No. AK–G52–0000 (Permit). During the public comment period for the Permit, EPA received comments about the suspended ELGs and about technological advances since 1981 that provide reasonable alternatives to the discharge of seafood processing wastes. In the response to comments document associated with the Permit, EPA responded that it did not have sufficient information about the feasibility of alternative waste disposal or re-use options. EPA committed to update the information regarding the five locations addressed in the 1980 petitions, as well as other Alaskan locations, and to coordinate with the effluent limitations guidelines program to provide current information. EPA's recent efforts in 2010 to gather information and data (see below) are consistent with its 2001 commitments despite the delay in initiating the information gathering effort.

IV. Recent Data and Information Gathering

In late April 2010, EPA sent requests for information under Section 308 of the Clean Water Act to nine corporations operating seafood processing facilities in Alaska. These requests for information and data took the form of a questionnaire that included the following topics: general information about the corporation; technical information regarding fish processing operations and technologies for wastewater treatment and solids management (e.g., screening, offshore disposal of screened fish wastes, and by-product recovery); and operating costs and financial information. EPA selected nine corporations that reflect a broad range of pertinent information, such as fish species and processing methods, production, corporation size, and processing locations.

EPA received responses from all nine corporations. These corporations operate processing facilities in the processing locations covered in the original petition and EPA's 1981 proposal, as well as other locations in Alaska. The facilities included 39 land-based seafood processing plants. In order to provide further supplemental context for the information and data gathered through the questionnaire, in August 2010, EPA representatives also visited Alaska and gathered information and data from stakeholders. EPA representatives visited 18 processing plants in most processing locations covered in the petition, four by-product recovery plants, an industry association and technology research laboratory, ADEC, and a member of the academic community. Trip reports and related materials are included in the public record (DCN 00044–00063, DCN 00075–00077, DCN 00081–00091, DCN 00255–00256, DCN 00495, DCN 00502–00504). EPA reviewed annual reports submitted to EPA (through 2008) and ADEC (2009–2010) as required in the Permit. EPA also gathered supplementary information and data from a range of other public sources. These include industry Internet Web sites and open literature, technical and cost information from equipment vendors, pictorial material, and comments from the general public and tribal interests about the effects of seafood processing wastewater discharges. The findings of EPA's review are summarized in this Notice and in the public record (DCN 00409–00411).

V. Summary of What EPA Learned From New Data, Analyses, and Findings

Section 304(b)(1)(B) states that factors relating to the assessment of BPT ''shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of the equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact (including energy requirements), and such other factors as the Administrator deems appropriate.'' The information and data collected in 2010 helps inform EPA as it considers the factors above in the BPT assessment.

A. Updated Industry Description

The Alaskan seafood processing industry is a very important part of the United States seafood processing industry. The United States is the fifth largest seafood processor in the world, accounting for approximately four million tons of fish per year. The Pacific Coast region (including the states of Alaska, Washington, Oregon, and California) of the United States is the nation's top fish-producing region. Within that region, Alaska is the largest producer, and Alaskan processors contribute approximately 80 and 50 percent of the Pacific Coast region and the total U.S. fish catch (landings), respectively (DCN 00412). The five major fisheries in Alaska are 1) salmon (e.g., coho, sockeye), 2) halibut, 3) herring, 4) shellfish (e.g., king and tanner crab), and 5) groundfish (e.g.,

pollock, flounder, haddock, cod). Salmon is the primary fishery and seafood processed and accounts for more than 90 percent of all fisheries and seafood processed for the non-remote processing locations addressed in the petition and this notice, with the exception of Dutch Harbor where pollock is the primary fishery and seafood processed.

The number of land-based seafood canning establishments in Alaska to which these ELGs apply has decreased substantially over the past decade, with production being concentrated in fewer, larger facilities. At the same time, the number of fresh and frozen processors has grown somewhat since 1997, and the size of those establishments, on average, has become larger (based on average employment). Thus, overall, the total number of land-based seafood processing facilities has declined only slightly, while the processing has shifted from canning to fresh and frozen products. In addition, fresh and frozen processing facilities have become larger over the years (U.S. Census, 1997; 2007). A small number of parent corporations own these facilities.

There are now 14 land-based processing facilities in the non-remote processing locations addressed in the petition and this notice. Another 16 facilities are located in the three additional processing locations that EPA is considering classifying as non-remote locations, as discussed in section VIII. Solicitation of Comments of this notice. Additional land-based processing facilities may be included in EPA's analyses for any final rulemaking should other locations be added to the list of ''non-remote'' processing locations. The number of operating and permitted facilities and their ownership changes with some regularity due to changes in the fisheries, markets, local circumstances, and business considerations.

Even though the size of the processing facilities has grown over the past decades, most of the corporations engaged in seafood processing are considered ''small businesses'' as defined by the Small Business Administration, based on average employment. EPA estimates that six small businesses in the locations covered by the petitions would potentially be affected as described in this notice.

Fish products can be separated from wastes in processes ranging in complexity from traditional hand labor to fully automated mechanical separation. At the time of the 1981 proposal, the breakdown in the types of fish products produced for human consumption included 77 percent fresh or frozen, 15 percent canned, and two percent cured. Other products produced included bait—and from by-product recovery—animal feed (3 percent), and fish meal and fish oil (3 percent)(DCN 00412). Since the 1981 proposal, the by-product market and technologies have matured and grown substantially, thus enabling greater capture and utilization of valuable natural resources. For example, processors now are producing nutraceuticals from salmon and pollock used as dietary supplements, such as Omega-3 fatty acids. By-product recovery is a discretionary alternative solids management method that processors may use to replace or reduce offshore solids disposal. Section V. C. Updated Wastewater Treatment and Disposal of this notice discusses by-product recovery in more detail.

B. Continued Impacts on Humans and the Environment

The primary concern with land-based discharges of seafood processing wastewater is the continuing impact of waste piles and the formation of new piles at the bottom of receiving waters. EPA documented numerous human health and environmental impacts in its review of the updated information. These impacts include the difficulty of tribal and subsistence fishermen to successfully operate in affected areas, floating solids and scum, and periodic gas eruptions from waste piles sending large mats of waste to the surface and releasing toxic noxious gases. These impacts also include negative effects on tourism, local residents, and recreational activities from associated nuisances and aesthetics. At certain times and in certain locations, waste piles cause interference with and dangerous hazards to safe vessel and aircraft operations. EPA also notes the potential for physical threats to children and adults from fish wastes deposited on beaches where animals (such as dogs and bears) are attracted to the waste. Processing operations have contributed to these impacts in Ketchikan, Sitka, and Dutch Harbor, and other locations.

Fish processing waste piles from land-based facility discharges cover large areas of the seafloor and contain large quantities of solids that negatively affect receiving water quality. These piles range in area, sometimes covering tens of acres. They can grow to many feet thick. (DCN 00201). The waste piles smother benthic (bottom) communities, deplete dissolved oxygen, and cause other harmful impacts on the aquatic ecosystem. In some cases, large waste piles at outfalls (both active and inactive) do not dissipate, even with flushing from tides and strong channel currents. Where discharges have stopped, fish waste piles and their effects can remain for 10 years or more. Moreover, the ADEC report entitled: ''Alaska's Final 2010 Integrated Water Quality Monitoring and Assessment Report, July 15, 2010,'' indicates some of Alaska's coastal zone waters have become impaired waters due to residues from seafood processing discharges (DCN 00457), generally at pg. 3, and specifics on individual locations in various Appendices). Requiring BPT based on screening will substantially mitigate the continuing impacts of existing underwater piles of seafood waste that have been occurring over the past 30 years, prevent formation of new piles, and will have a positive long-term impact on the affected communities in these areas.

C. Updated Information on Wastewater Treatment and Solids Disposal

Under the Clean Water Act, individual point sources are free to achieve effluent limitations promulgated in ELGs and implemented in NPDES permits by any lawful means. EPA bases its effluent limitations guidelines and standards on a particular technology or set of technologies but does not require adoption of any particular technology to comply with ELGs. Once the limitations are established, the individual facilities may use any technology or set of technologies to meet the effluent limitations guidelines and standards. In addition, individual facilities can consider opportunities to work together and collectively take advantage of economies of scale.

As stated above, existing regulations as promulgated are based on two basic wastewater treatment technologies: (1) For remote locations, grinding and discharge in the facility effluent with a numerical effluent limitation on the size of particles discharged (not greater than ½ inch in any dimension), and (2) for non-remote locations, screening and disposal of the screened solids offshore with mass-based effluent limitations for total suspended solids (TSS) and oil and grease, and an allowable range for pH. Based on the recent data collection, EPA did not identify any new technologies in use for treating Alaskan seafood processing wastewaters. EPA also found that both of these technologies remain feasible and applicable for addressing Alaskan seafood discharges. EPA's review of the recently updated record and observations from on-site visits reaffirms that these technologies are available regardless of the age of seafood processing equipment or facility or the

type of process employed. For example, existing facilities can readily install screens and related facilities, while new sources also can install screens and related facilities prior to the facility initiating wastewater discharge. No complex engineering or internal process changes are required to screen wastes or to comply with the ELG for non-remote locations or to dispose of the solids.

By-product recovery has emerged in the past three decades as a practicable discretionary option for facilities to capture the screened solids, limit these wastes, and reduce waste management costs by more completely utilizing an important natural resource. Based on a review of the record, EPA found that facilities in processing locations generally continue to have access to more reliable and cost effective ways to manage screened seafood processing wastes, including by-product recovery, than do facilities located in isolated areas. In addition, and as noted in section VIII. Solicitation of Comments, EPA found that seafood processors in Dutch Harbor, Kenai Peninsula, and Sitka also have opportunities for achieving economies of scale, including the discretionary alternative of by-product recovery. In particular, processors in Dutch Harbor have been using wastewater screening technology and operating individual by-product recovery facilities since approximately 1997. Among the existing by-product recovery opportunities available include the Kenai Peninsula, Cordova, a by-product recovery facility proposed for Sitka, and another facility being constructed in Naknek.

At the time of the 1981 proposal and as expressed in comments on the proposal, by-product recovery was not widely available because few by-product recovery facilities existed. Processors did not consider collective by-product recovery facilities (i.e., ''sharing'' by-product recovery facilities located in the same geographic area but owned by a competitor) a viable option at that time because of the competitive nature of the industry. Based on recent information and data, EPA found that by-product recovery technologies and markets have matured since 1981 and seafood processors have been successfully operating by-product recovery facilities. Collective by-product recovery facilities have been operating for many years in Kodiak, and in other processing locations in more recent years (e.g., Cordova, Ketchikan). These by-product recovery facilities have been able to take advantage of economies of scale, which contribute both to increasing total utilization of the natural resource purchased from fishermen and to increasing total revenues to the processors from the sale of by-products, such as fish oil, fish meal, and nutraceuticals (e.g., refined fish oil dietary supplements containing Omega-3 fatty acids). While the revenues may not consistently result in profits in every case, EPA's analysis shows that with a well-established market for fish oil and fish meal (Bimbo, 2008), the potential revenues generated from the sale of these by-products will offset the overall cost of wastewater treatment and waste solids disposal and maximize the utilization of valuable natural resources. Furthermore, collective by-product recovery facilities employ a modest number of trained and skilled professionals. These processors, the by-product recovery facilities, and their employees pay taxes to the State and local communities, thus further contributing to the State and local economies. In light of these benefits, EPA concludes that any additional economic activity generated by by-product processing and sales could contribute to greater employment stability in the coastal Alaskan communities where seafood processing facilities and their related businesses are critical to local economies.

No internal process changes are required at seafood processing facilities to produce commodity fish oil and fish meal. Some by-product recovery facilities produce food grade fish oils as intermediate products that are further processed at other locations into nutraceuticals for human consumption. Processors contributing wastes to by-product recovery facilities to produce food-grade fish oils have found acceptable and affordable equipment and methods to maintain sanitation requirements to keep fish wastes off processing plant floors, and maintain proper temperature in insulated containers (''totes'') to prevent spoilage during storage and transport to collective by-product recovery facilities. For example, as observed during the recent EPA visits to Alaska and from other information gathered, processors in Ketchikan and Cordova as well as in Kenai Landing have demonstrated that the necessary equipment and operating methods, such as careful attention to fish processing operations, are available and feasible (DCN 00054, 00060,00076,00084,00085; DCN 00049, 00063, 00088, 00089, 00091; DCN 00044). However, while processors have demonstrated the feasibility of food grade fish oils production, EPA did not assume the use of these technologies in developing costs for collective by-product recovery facilities. Where EPA estimated costs for by-product recovery, it assumed that processors would produce only commodity fish meal and oil.

VI. Revised Cost and Economic Impact Analyses

A. Cost and Pollutant Reduction Analysis

This section summarizes EPA's approach for estimating compliance costs, and a support document entitled Report of Quality Activities Supporting Alaska Seafood Processing Cost Estimates April 2011 (DCN 00499) provides detailed information on the basis for these cost estimates. Based on the recent data collection, all of the facilities that are the subject of this notice in each of the processing locations are, at a minimum, already using grinding technologies, with a few exceptions described below. EPA examined current practice and incremental compliance costs for any facilities not currently using screening to estimate the costs of subjecting these facilities to the ELGs based on screening. All cost estimates reflect 2010 dollars and represent the cost of purchasing and installing equipment and control technologies, annual operating and maintenance costs, and associated monitoring and reporting requirements. This is the same general approach used in developing the 1981 proposal.

EPA first established existing conditions (i.e., baseline) for each facility based on its responses to the questionnaire. EPA then determined what upgrades or changes, if any, would be required to comply with the limitations based on screening for processors in each of the processing locations, except for Anchorage where there are currently no direct dischargers. See section VII. Updated Response to Petition and Amendment to Regulations Being Considered, C. Location-by-Location Analysis of this notice for further discussion of Anchorage. Specifically, as appropriate, EPA estimated compliance costs for facilities to install and operate screens, to transport screened solids by an appropriate vessel for offshore disposal, and to perform compliance monitoring and reporting. Aggregate cost estimates, and other pertinent and more detailed considerations important to developing costs, are presented in the public record (DCN 00410, 00499). EPA developed costs for individual processors in each of the processing locations based upon information and data contained in responses to the questionnaire. For those facilities for which there were no

questionnaire responses, EPA modeled costs. Specifically, EPA used cost estimates developed from the processing facility most closely resembling the facility being modeled (e.g., size based on total production, etc.) for which questionnaire responses and associated data and information were available. EPA used the same model plant approach for processors located in the Kenai Peninsula and Sitka. EPA determined there are no incremental costs for Dutch Harbor because all three processors in Dutch Harbor already use screening technology and individual by-product recovery as a primary solids management alternative to offshore disposal of screened fish wastes.

EPA used cost data from individual processing facilities in concert with cost information gathered from vendors and other publicly available sources (e.g., open literature, Internet Web sites, etc.) to develop costs for individual components of screening technology (e.g., waste sumps, pumps, rotary drum screens, appropriately sized vessels for transporting screened solids for offshore disposal of screened fish wastes, and monitoring). To develop facility costs, EPA assumed, in absence of other information, based on recent site visits and other information in the record that: 1) the 2010 baseline technology was the technology basis (grinding), 2) facilities would be discharging through existing outfalls, and 3) facilities would monitor particle size and the zone of deposit (i.e., seafood waste pile). EPA notes that some processors (e.g., located in Cordova and Ketchikan) access a by-product recovery facility and thus employ screening to separate solids from the wastewater; EPA considered screening technology as the 2010 baseline for these facilities.

In developing screening costs for facilities where grinding is the baseline, EPA used the following approach to estimate costs. First, based on site visits, questionnaire responses, and other information in the record, EPA assumed that facilities would install equipment to screen waste solids from the wastewater stream using a rotary drum screen and would use their existing grinder to allow pumping of waste to a vessel of appropriate size for hauling to offshore disposal. Second, EPA assumed that the vessel could be a bow picker, work vessel, fishing scow or tender owned and operated by each processor. EPA also included costs for monitoring screened wastewater for Total Suspended Solids (TSS), oil and grease (O & G), pH, and measuring the volume of wastewater discharged through an existing outfall. Tables A and B below present the resulting costs and effluent reduction benefits (see section VI.B. Economic Impact Analysis of this notice).

EPA presents aggregate costs as ranges in order to prevent indirect disclosure of information and data claimed to be Confidential Business Information (CBI). This is necessary because many processors have claimed as CBI essential components of these analyses, notably financial data. Moreover, in most processing locations there are very few processors and thus CBI may be deduced and revealed indirectly. Therefore, much of the detailed cost data developed by EPA for individual processors are protected as CBI. See Costs and Economic Impact Analysis for Alaska Seafood Processors, DCN 00410; and further discussion below.

EPA also developed costs for collective by-product recovery. While it is not a requirement for complying with the ELGs, it is a practicable discretionary alternative for solids disposal. This alternative is environmentally preferable in part because it results in recovery of the waste rather than disposal. In processing locations where existing by-product recovery facility capacity was not sufficient to accept all processing wastes, EPA developed costs for a new by-product recovery facility of a size sufficient to accommodate wastes generated by contributing processors in that location. EPA assumed that contributing processors in collective facilities share operating costs and revenues proportionally according to the amount of waste generated and processed by the collective by-product recovery facility. EPA did not consider production of food grade products such as nutraceuticals for purposes of this analysis. Further discussion of methods for developing costs for this discretionary solids management alternative is presented in the public record, in Report of Quality Activities Supporting Alaska Seafood Processing Cost Estimates (DCN 00499). Resulting aggregate costs are presented in Costs and Economic Impact Analysis for Alaskan Seafood Processors (DCN 00410).

EPA developed estimates of the incremental effluent reduction benefits (pounds of pollutants removed) for screening versus grinding. Typically, EPA estimates the discharges of pollutants at baseline (in this case, grinding) and compares them to discharges assuming the technology basis is installed (in this case screening). EPA could not use its standard approach for developing reductions in TSS and oil and grease because it does not have baseline information on TSS and oil and grease discharges. Facilities that employ grinding do not monitor for TSS and oil and grease. Rather, they collect data on the mass of incoming raw product and the mass of the final product. As a result, for today's notice and in the analysis supporting EPA's 1981 proposed petition response, EPA used total waste generated (i.e., difference between the mass of incoming product minus the mass of the final product) as a proxy for the pounds of pollutants that would no longer be discharged in the facility effluent with the addition of screening. This is appropriate because, as indicated above, total waste generated is reported utilizing mass balance data regularly collected by processors for weights of incoming raw product and final products. Moreover, available mass balance data also show that facilities using screening technology achieve waste removals in excess of 90 percent.

EPA estimated total loads of waste generated for individual processing facilities using data provided by processors in NPDES permit annual reports and reported in questionnaire responses. Processors report tons of waste generated by subtracting the tons of final product from the tons of raw product. Raw and final product weight data are extensive and reliable. Raw product weights are derived from carefully weighed incoming fish landings, which serve as the basis for paying fishermen for their catch. These fish landing weights are also reported to Alaska state agencies to determine state taxes. Final products are weighed carefully for packaging and related purposes.

B. Economic Impact Analysis

EPA has completed an updated economic impact analysis associated with effluent limitations for non-remote dischargers based on the updated costs of screening and offshore solids disposal. EPA summed the annualized costs of capital (i.e., amortized capital), annual operating and maintenance costs, and annual monitoring costs for each facility to develop total annualized costs, which it then used as inputs to the impact analysis. The impacts of these costs are discussed below. In a similar manner, EPA has also analyzed the total costs and impacts of operating and, as appropriate in certain processing locations, installing new collective by-product recovery facilities as a discretionary solids management alternative. Summaries of these total costs and economic impacts are included in the public record (DCN 00410).

EPA's updated economic impact analysis used a discounted cash flow model routinely employed in the effluent guidelines program to determine the net present value of cash flow for individual processing facilities. EPA also used the Altman's Z' analysis, a financial analysis tool routinely employed by investors and financial analysts and in the effluent guidelines program, for assessing the financial health of privately held owner firms operating in the same locations. EPA used these facility and firm financial models to determine the financial health and viability of facilities and owner firms in two cases: 1) a baseline calculation using the existing permit conditions generally based on grinding in all processing locations (with exceptions noted earlier), and 2) a calculation using the more stringent permit conditions based on screening and offshore screened fish waste solids disposal. EPA completed these analyses for facilities located in the processing locations included in the petition (Cordova, Juneau, Ketchikan, and Petersburg) (see section VII. Updated Response to Petition and Amendment to Regulations Being Considered, C. Location-by-Location Analysis of this notice for further discussion of Anchorage). These analyses are similar to the analyses used in EPA's 1981 proposed response to the petitions. EPA's approach is more fully described in the report, Costs and Economic Impact Analysis for Alaska Seafood Processors (DCN 00410).

EPA used data in its analyses from responses to the questionnaire and from site visits, augmented with publicly available information where appropriate.[1] For the small number of facilities for which it had no questionnaire responses or other usable data, EPA modeled the potential impacts using information for similar processing facilities for which it had questionnaire responses. EPA concluded this approach is reasonable because the selected questionnaire facilities resemble the facilities being modeled (e.g., size based on total production, species of fish processed, similarity of corporation size). For the modeled facilities, EPA extrapolated the impact analysis results to assess qualitatively potential impacts for the few non-surveyed facilities and firms in these four processing locations. EPA also used the same approach to analyze qualitatively the impacts on facilities in two of the three additional locations it is considering for inclusion as non-remote; specifically the Kenai Peninsula and Sitka. Where EPA had a questionnaire response for a facility, it used that data. Where EPA did not have a questionnaire response, it modeled the impacts based on results from a similar facility for which EPA received questionnaire responses. These non-surveyed facilities were an even smaller portion of all processors in these two additional locations.

EPA did not find additional costs were necessary for Dutch Harbor, the third additional location that EPA is considering for inclusion in the non-remote subcategory, because all three processors located in Dutch Harbor use screening technology and individual by-product recovery for solids management. Accordingly, EPA does not expect incremental impacts for any facilities in Dutch Harbor.

This cost and economic analysis for processing locations included in the petition and the additional locations EPA is considering for inclusion in the non-remote subcategories indicates that total annualized costs are low for each facility. In turn, cash flow at facilities and key financial indicators (Altman's Z' scores) used in the firm analysis changed only minimally between baseline (compliance with effluent limitations generally based on grinding, with a few exceptions noted previously) and screening with offshore disposal of screened fish wastes. Therefore, EPA does not project any closures of processing plants or owner firm failures for facilities located in the processing locations included in the petition, or two of the additional three locations the Agency is considering reclassifying as non-remote. Again, EPA did not project costs or any economic impact analyses for Dutch Harbor because all facilities in that location already have screening with by-product recovery, so EPA does not project facility impacts or firm failures.

Similarly, the total annualized cost of screening using collective by-product recovery instead of offshore disposal to individual processors and owner firms was not projected to result in an unacceptable adverse economic impact. This is true in part because collective by-product recovery can achieve economies of scale, which also may add significant revenue from the sale of by-products (commodity fish meal and fish oil). For processors located where by-product recovery facilities with available capacity currently operate, annual operating costs to meet the screening requirements are lower when the processor uses collective by-product recovery rather than individual offshore disposal of screened fish wastes. The details of the analysis are presented in Costs and Economic Impact Analysis for Alaska Seafood Processors (DCN 00410). For locations where processors may elect to construct a new by-product recovery facility, the total annualized costs are higher than for a location where a facility has already been built because the costs include loan amortization in addition to operating costs. Nonetheless, some processors have constructed and operated collective by-product recovery facilities for many years—for example, the Kodiak facility has been operating under this scheme since the 1970s.

EPA also considered the impact of additional costs of screening and offshore disposal of screened fish wastes on small businesses. EPA found these total annualized costs were less than 0.5 percent of revenues for all small surveyed firms in the analysis. Similarly, EPA concludes that all of the small businesses in the petitioning non-remote locations and additional non-petitioning locations of interest will have total annualized costs less than 0.5 percent of revenues. EPA also analyzed the impact of the costs of screening and offshore disposal of screened fish wastes on new facilities and found that there would be no barriers to entry because these costs are very small in relation to the capital costs of a new processing facility or incremental to any other existing barriers to entry. EPA reached this conclusion because the capital cost for additional screening equipment and related facilities would be well within the usual engineering contingencies built into new facility construction cost estimates. Furthermore, the cost to design-in equipment is usually less expensive at new facilities than the costs to retrofit. (See Costs and Impact Analysis for Alaska Seafood Processors (DCN 00410).

Results of the costs, pollutant mass removals, and economic impact analyses are summarized in the following two tables. Costs are presented in 2010 dollars. Table A presents the results for facilities in the processing locations included in the petition and Table B presents the results for the additional locations EPA is considering reclassifying as non-remote.

[1] EPA has not attempted to correlate these results with any of the original Petitioners' facilities because some have been acquired by other companies or have been closed, and those remaining are likely to be significantly different than they were more than 30 years ago.

TABLE A [1]—RESULTS FOR PROCESSING LOCATIONS INCLUDED IN PETITION

Location	Number of plants [2]	Total annualized cost per plant—million $	Removals per plant—lbs/yr [3] (millions)	$/lb removed	Economic impact [4]
Anchorage	0	.....	.....	.....	N/A.
Cordova	4	.....	.....	.....	No.
Juneau	2	<0.10	1–12	0.02–0.04	No.
Ketchikan	5	.....	.....	.....	No.
Petersburg	3	.....	.....	.....	No.
Total—all Plants	14	<$0.75	<30	$0.03	

[1] Tabulation of costs and waste removals per plant, and cost per pound removed expressed as ranges to prevent indirect disclosure of data claimed as Confidential Business Information (CBI).
[2] Numer of plants currently operating. No processors with direct dischargers currently operate in Anchorage; therefore, they have no costs or removals. A few processors are discharging to publicly owned treatment works (POTW).
[3] Pounds of fish processing waste removed.
[4] Possible processing plants closures or firm failures.

TABLE B [1]—RESULTS FOR ADDITIONAL NON-PETITIONING LOCATIONS

Location	Number of plants [2]	Total annualized cost per plant—million $	Removals per plant—lbs/yr [3] (millions)	$/lb removed	Economic impact [4]
Dutch Harbor	3	.....	.....	.....	No.
Kenai Peninsula	10	<0.10	1–3	0.04–0.07	No.
Sitka	3	.....	.....	.....	No.
Total—all Plants	16	<$0.90	<15	$0.06	

[1] Tabulation of costs and waste removals per plant, and cost per pound removed expressed as ranges to prevent indirect disclosure of data claimed as Confidential Business Information (CBI).
[2] Number of plants currently operating. In Dutch Harbor, all three processors that have operated consistently have screening and individual by-product recovery in place and thus comply with effluent limitations based upon screening. Three additional processors have operated only intermittently in Dutch Harbor. Thus, no costs or removals were developed and no economic analyses were performed for Dutch Harbor.
[3] Pounds of fish processing waste removed.
[4] Possible processing plants closures or firm failures.

As represented by Tables A and B, EPA found the cost of screening and offshore disposal of screened waste solids resulted in no facility or firm failures at any of the petitioning processing locations or at any of the additional non-petitioning locations EPA is considering reclassifying as non-remote. EPA also found that the range of costs per pound of waste removed were very low.

The Agency solicits comments and additional data that may be available related to EPA's recent data and information collection and EPA's analyses of estimated costs and projected economic impacts, as summarized above and in Tables A and B. The data summarized in Tables A and B above are discussed further in Section VII. Updated Response to Petition and Amendment to Regulations Being Considered, C. Location-by-Location Analysis, and in Section VIII., Solicitation of Comments of this notice, below.

C. Costs vs. Pollutant Reductions, Other Factors

EPA estimates the updated total annualized costs for Alaska seafood processing plants to implement individual screening and offshore disposal of screened fish wastes range, on average, to be from $0.02 to $0.07 per pound of seafood processing waste removed. These costs of achieving BPT effluent limitations can be compared with other industries' costs of achieving BPT effluent limitations to provide a perspective on their reasonableness. In a portion of the fruits and vegetables processing industry, the average cost of wastewater treatment to meet BPT effluent limitations for a group of model plants was $0.29 per pound of conventional pollutants removed, with a range of $0.09 to $0.55 per pound. In the corn wet milling subcategory of the grain milling industry, the cost for a medium-sized model plant was $0.41 per pound of conventional pollutants removed. For the cane sugar refining industry, a small model plant incurred a cost of $0.41 per pound of conventional pollutants removed. EPA notes that in all of these examples, the values were adjusted to 2010 dollars. This comparison demonstrates that the costs to achieve screening and offshore disposal of screened fish wastes at all locations considered today are less than for many other food processing industries for which EPA has promulgated ELGs, and therefore are reasonable. Section 304(b)(1)(B) states that factors relating to the assessment of BPT ''shall include consideration of the total costs of application of the technology in relation to the effluent reduction benefits achieved and . . . such other factors as the Administrator deems appropriate.'' 33 U.S.C. 1314(b)(1)(B).

Additionally, a similar comparison of costs to pollutant reductions for screening and by-product recovery demonstrates the costs in relation to the removals are reasonable. EPA estimates the same reduction under either solids handling approach (i.e. off shore disposal of screened fish wastes or by-product recovery). However, where facilities employ by-product recovery,

reduced discharge of pollutants offshore is also an effluent reduction benefit.

Clearly, a reduction in waste discharges associated with screening versus grinding at these locations will benefit the communities in the surrounding areas and the environment. Section V. B. above describes the continuing negative impact on people and the environment associated with these discharges over the last 30 years and at present. Requiring ELGs based on screening will result in mitigating impacts from existing waste piles and prevent the formation of new waste piles. EPA concludes there will be significant improvements in water quality, increased opportunities for tribal fishing and recreational activities, improved aesthetics for the local population and tourists, and reduced interference with safe vessel and aircraft operations.

The Agency also considered non-water quality impacts for screening and offshore disposal of screened fish wastes, as well as for by-product recovery. While energy costs (e.g., fossil fuel) have increased in recent years, the largest factor in offshore disposal costs is labor to operate the vessels that transport and dispose of the waste through the entire processing season. As described above, the total costs for screening and offshore disposal of screened fish wastes are low, and thus, the associated energy consumption and costs are also low. Furthermore, should by-product recovery be employed as a discretionary solids management alternative, use of a vessel to dispose of wastes offshore is greatly reduced because only a small amount of the total waste generated during the season is hauled offshore for disposal.[2]

In addition, the seafood processing industry has used fish oil as a supplemental fuel to generate electric power to operate the processing facilities. In some locations where a utility power grid connection is not available, fossil fuel is needed for on-site generation of all electric power required for processing operations. In these cases, fish oil produced from by-product recovery offers the potential to substantially reduce fossil fuel (e.g., diesel) usage and costs. The Alaska Energy Authority (AEA) notes in its Renewable Energy Atlas for 2009 and 2011 that many coastal locations offer the opportunity to use biomass (e.g., fish waste and the oil produced from it) as an important supplemental source of fuel to replace a portion of the fossil fuels used for energy generation. For example, the fish meal plant at Kodiak uses fish oil produced from pollock waste for a significant portion of its fuel needs. Also, the AEA reports that one of the large processors in Dutch Harbor uses fish oil from its by-product recovery facility to replace approximately one half of the diesel fuel it would normally have transported to the site and consumed for power generation to operate the seafood processing plant. See *http://www.akenergyauthority.org/programsalternativebiomass.html.* EPA has considered the energy costs associated with screening and disposal of the screened solids and found them to be acceptable for all of these reasons.

Screening and offshore disposal of screened fish wastes or screening and by-product recovery, rather than grinding the wastes, should have no significant incremental adverse air quality impact. Rather, it should lead to reduced releases of noxious gas associated with waste piles. Further, as explained above, because fuel consumption for either offshore disposal or by-product recovery is quite low, any incremental air emissions associated with fuel usage would be equally low. Also, currently operating facilities have demonstrated that any odor problems that may be associated with the operation of a by-product recovery facility (e.g., meal drier exhaust) can be minimized by proper plant location, use of appropriate air pollution control equipment (e.g., wet venturi air scrubbers), and diligent operating procedures. Thus, EPA concludes that the non-water quality environmental impact of screening and solids management employing by-product recovery on air quality would be acceptable.

Finally, the ELGs for seafood processors in all other states, except for those affected by the suspension in Alaska, are based on screening. Thus, seafood processors affected by the ELG suspension, which process approximately 50 percent of the total U.S fish landings, have had a cost advantage within this industry for at least 30 years while continuing to cause substantial adverse impacts to humans and the environment in many coastal communities in Alaska.

VII. Updated Response to Petition and Amendment to Regulations Being Considered

A. Summary

In the 1981 proposal, EPA proposed denying the industry petition for Anchorage, Cordova, Ketchikan, and Petersburg and proposed granting the petition for Juneau. EPA is again considering denying the petition for Anchorage, Cordova, Ketchikan, and Petersburg, and is considering denying the petition for Juneau. All five areas would remain non-remote for BPT purposes and effluent limitations would be based on screening. The solids disposal method, either offshore disposal of screened fish wastes, or collective by-product recovery, or any other means that is developed in the future, is selected at the discretion of each processor.

As EPA considered reinstating the original ELGs for all five cities named in the petition, the Agency again examined the options for screening and disposal of the screened fish waste solids. EPA's basis for classifying the various locations as non-remote is the Agency's finding that wastewater screening and individual offshore disposal of screened fish wastes by an appropriate vessel is available, practicable, and achievable in each location. Thus, EPA concludes that each of these areas is appropriately characterized as non-remote. EPA based this conclusion on updated data and information and technical and economic analyses. The Agency does not project any potential processing plant closures or firm failures from these costs. Furthermore, the costs are low and would lead to significant reductions in the mass of discharged waste.

Where collective by-product recovery facilities are currently available or may become available, applying the ELGs based on screening to non-remote locations would promote the use of these facilities and thus remove waste solids from both nearshore and offshore receiving waters. The increased use of by-product recovery would also reduce the overall cost of waste management by recovering a significant portion of the waste for other revenue producing uses. The revenues from by-product recovery would provide the opportunity for seafood processors and associated employment in local coastal communities to become more sustainable. Where fish oil is produced and used as a fuel supplement, the amount and cost of fossil fuel (diesel) used for on-site power generation could be substantially reduced.

Consistent with EPA's 1981 proposal, EPA is again considering revising the scope of the ELGs non-remote location criteria to eliminate the possibility that a locality may be classified as non-remote based solely on its character as a population center. EPA recognizes that a processor's location in a population center has no bearing on the costs of

[2] Information acquired primarily from industry sources indicates the non-recoverable portion of total annual waste generation is approximately five percent.

screening or solids disposal options. Costs for an isolated individual processor might be considerably higher than costs for a processor located near other processors, regardless of the local population. Among key factors that may determine the feasibility of screening and discretionary solids management alternatives for processors in a given location in Alaska (e.g., offshore disposal of screened fish wastes, by-product recovery, or others) are the amount of processing waste available for waste management alternatives and the length of the processing season. In locations where one or more processors generate sufficient waste to take advantage of economies of scale, options for managing screened solids include collective offshore disposal of waste solids, collective by-product recovery, a combination of collective offshore disposal of waste solids and by-product recovery, and any other feasible option. EPA intends the term non-remote processing location to cover any geographic area or location where processors can reasonably achieve economies of scale, either individually or collectively, for managing screened seafood processing wastes, in comparison to processors in isolated locations where transportation and other costs may be substantially higher. Such locations need not have appreciable population beyond that necessary for processing operations. Therefore, the Agency is again considering removing the term ''population center'' from the definition of non-remote areas, in order to focus on non-remote processing locations. Such language was included in the amended regulations proposed in 1981. 46 FR 2552–54 (January 9, 1981). See Section VIII. Solicitation of Comments of this notice, below.

As in the 1981 proposal, the Agency is again considering including Ward Cove as a part of the Ketchikan processing location, and adding Dutch Harbor and the Kenai Peninsula to the non-exclusive list of non-remote processing locations. Further, with the recently gathered information and data, EPA is also considering adding Sitka to the list of non-remote processing locations. Processors in these three locations also have access to more reliable and cost effective solids management alternatives through economies of scale.

B. Revision of New Source Performance Standards

Finally, and also consistent with EPA's 1981 proposal, EPA is again considering amending the regulations for new source performance standards (NSPS) to require that new sources in areas classified as non-remote for purposes of BPT also meet the non-remote ELG requirements for purposes of NSPS. *See* 46 FR 2550 (January 9, 1981). The NSPS in these subcategories include numerical effluent limitations for TSS, oil and grease, and a range for pH as do the limitations set out in the regulations based upon BPT. The NSPS numerical effluent limitations for TSS and oil and grease are somewhat more stringent than those based upon BPT. They are not based on any additional end-of-pipe wastewater treatment technologies, but rather on reduced in-plant water use for processing operations. The reduced water usage was demonstrated by processing plants operating when the regulations were originally promulgated and is based upon good housekeeping practices achieved at very little, if any, cost.

EPA's current analysis indicates that any new sources in non-remote locations should be required to meet standards based on screening technology. New processors should be able to install screening technology and operate waste solids disposal with very small incremental costs, beyond those associated with the cost of a new processing facility. Such costs are not a barrier to entry to seafood processing in these locations. In addition, new sources may be able to access collective waste disposal, use existing by-product recovery facilities with adequate capacity in these areas, or collaborate with other processors to establish new facilities where existing facilities do not currently exist or may not have adequate capacity. Therefore, EPA is again considering amending the regulations to require that all areas categorized as non-remote for purposes of BPT similarly be categorized as non-remote for purposes of NSPS.

C. Location-by-Location Analysis

This section analyzes each area included in the 1980 petition: Anchorage, Cordova, Juneau, Ketchikan, and Petersburg. EPA is considering denying the petition for all of these locations, thus requiring facilities in these locations to comply with the effluent limitations based upon screening.

1. Anchorage

EPA is again considering denying the petition to reclassify Anchorage as remote and requiring effluent limitations guidelines based on screening. In 1981, some facilities in Anchorage directly discharged effluent. However, circumstances have changed since 1981; all seafood processors currently operating in Anchorage discharge to the local publicly owned treatment works (POTW). In other words, no seafood processors currently are discharging directly to waters of the United States in the Anchorage processing location. Therefore, because there are no direct dischargers in Anchorage, EPA estimated no costs for this requirement in Anchorage.

Even though processing plants currently operating in Anchorage currently do not directly discharge seafood processing waste, they have the option to do so. Throughout Alaska, there have been ongoing changes in location, size, and fish species processed at processing plants. The ownership of processing plants and the corporate structure of the seafood processing industry throughout Alaska also have evolved. These factors could lead to a change in discharge practices.

In addition, new processing plants could be sited in Anchorage and choose to discharge directly to waters of the United States, and thus be subject to the new source performance standards for non-remote locations. Based on EPA's review of the information and data in the public record, the Agency concludes it is likely that processing plants now operating or ones that could be operating at a future date in Anchorage would be similar to those operating in the other processing locations for which EPA has analyzed recently gathered information and data. EPA observed similarities among all facilities in fish species, processing methods, wastewater generation, applicability of screening technology and discretionary solids management alternatives. There were also similarities in the range of low costs and effluent reduction benefits for all locations other than Anchorage, to both individual processors and owner firms. Therefore, effluent limitations based upon screening and solids disposal are appropriate for both existing and new sources for the Anchorage processing location. Any such facilities that choose to cease discharging to the POTW and begin discharging directly, or any new facilities with direct discharge, may find it advantageous to cooperate in a collective by-product recovery facility to further reduce waste management costs and make their operations more sustainable. As already noted above, EPA has determined there are no barriers to entry for new facilities due to these very small incremental costs.

2. Cordova

EPA is again considering denying the petition to reclassify Cordova as remote and requiring effluent limitations based

upon screening. Four processors located in Cordova process a variety of fish (mostly salmon) and generate a total of approximately 22 million pounds of waste per year. One processor in Cordova constructed a new by-product recovery facility and began operation in 2009. This new facility was designed with the intention of having the capacity to accept all of the waste generated by all four processing plants operating in Cordova.

EPA's analysis of this processing location indicates total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.02 to $0.04 per pound of waste removed (see Table A above). These costs are low and the effluent reduction benefits are substantial (approximately 22 million pounds per year). No projected processing plant closures or firm failures resulted from imposing these costs, and EPA did not identify a barrier to entry for new sources. EPA's analysis indicates the four processors accessing the by-product recovery facility are incurring lower operating costs than for screening and offshore disposal of screened fish wastes as noted above.

3. Juneau

EPA is considering denying the petition for Juneau, thus retaining the location's non-remote classification as promulgated in the original regulations prior to the suspension, and requiring effluent limitations based upon screening. Two processors in this location generate approximately four million pounds of waste per year, mainly from the processing of salmon.

EPA's analysis of this processing location indicates the approximate total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.02 to $0.04 per pound of waste removed (see Table A above). These costs are low and the effluent reduction benefits are substantial (approximately four million pounds per year). No projected processing plant closures or firm failures resulted from the facilities incurring these costs, and EPA did not identify a barrier to entry for new sources.

4. Ketchikan

EPA is again considering denying the petition for Ketchikan, thus retaining this location's classification as non-remote and requiring effluent limitations based on screening technology. As in the 1981 proposal, EPA also is again considering including Ward Cove in the Ketchikan processing location. Five processors located in Ketchikan process a variety of fish, mostly salmon, and generate a total of approximately 14 million pounds of waste per year. Alaska Protein Recovery, a mobile barge-based by-product recovery facility, began operating at this location in 2007. It produces primarily food grade salmon oil, which is converted into nutraceuticals at another site, and salmon protein hydrolysates. [See *http://www.alaskaproteinrecovery.com/home]* This by-product recovery facility processes the waste generated by four of the five processors in Ketchikan.

EPA's analysis of this processing location indicates total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.02 to $0.04 per pound of waste removed (see Table A above). The costs are low and the effluent reduction benefits are substantial (approximately 14 million pounds per year). No projected processing plant closures or firm failures resulted from the facilities incurring these costs, and EPA did not identify a barrier to entry for new sources. EPA's analysis indicates the four processors accessing the by-product recovery facility are incurring lower operating costs than for screening and offshore disposal of screened fish wastes as noted above.

5. Petersburg

EPA is again considering denying the petition for Petersburg, thus retaining the location's classification as non-remote and requiring effluent limitations based upon screening technology. Three processors located in Petersburg process a variety of fish, mostly salmon, and generate a total of approximately 10 million pounds of waste per year. An existing by-product recovery facility has been operating in conjunction with one of the processing plants for many years. However, the existing capacity of this facility is insufficient to accommodate the wastes from all three processors.

EPA's analysis of this processing location indicates total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.02 to $0.04 per pound of waste removed (see Table A above). These costs are low and the effluent reduction benefits are substantial (approximately 10 million pounds per year) as generated by two of the three processors. No projected processing plant closures or firm failures resulted from the facilities incurring these costs, and EPA did not identify a barrier to entry for new sources. EPA's analysis indicates the processor operating a by-product recovery facility is incurring lower operating costs than for screening and offshore disposal of screened fish wastes as noted above.

VIII. Solicitation of Comments

The Agency is considering classifying three additional locations as non-remote for purposes of compliance with BPT effluent limitations and New Source Performance Standards based upon screening: Dutch Harbor, the Kenai Peninsula, and Sitka. In the 1981 proposal, EPA solicited comment on adding Dutch Harbor and the Kenai Peninsula, while newly gathered information and data has resulted in EPA also considering adding Sitka.

A. Dutch Harbor

The Dutch Harbor processing location has expanded dramatically since 1981, when its production capacity was largely devoted to shellfish (mostly crab). Today, Dutch Harbor is the largest seafood processing location in the United States. In recent years, the three long-standing processors in Dutch Harbor have focused on processing pollock (more than 90 percent of total production). Shellfish processing, which had accounted for a large share of the total production, is now a small portion. As the result of an increase in serious environmental impacts in Dutch Harbor since 1981, in 1995 EPA developed a TMDL for South Unalaska Bay, which was on the State's 303(d) list of impaired waters due to seafood waste. As a result of the TMDL, seafood processors that discharge into South Unalaska Bay have individual NPDES permits that contain water quality based effluent limitations based on waste load allocations (WLA) in the TMDL for South Unalaska Bay. In turn, these water quality based effluent limitations are being achieved primarily by screening.

Nonetheless, EPA also recognizes the need to establish appropriate technology-based effluent limitations and standards for purposes of BPT and NSPS for this processing location. Three processors generate approximately 300 million pounds in total waste per year. After examining the site-specific circumstances and in-place screening and by-product recovery at all three processors, EPA does not estimate any additional costs or effluent reduction benefits. Also, EPA did not identify a barrier to entry for new sources. Therefore, EPA concludes that it is

reasonable to consider establishing technology-based effluent limitations guidelines and standards for purposes of BPT and NSPS based upon screening technology for Dutch Harbor.

B. Kenai Peninsula

The Kenai Peninsula currently hosts ten seafood processors within a relatively small geographical area. The processors are dispersed around the perimeter of the peninsula and linked by a paved road system. They are located in municipalities including Kenai, Soldotna, Ninilchik, Homer, and Seward, and their combined annual waste production is approximately 10 million pounds.

EPA performed cost analysis and an economic impact analysis of processors and owner firms on the Kenai Peninsula. These analyses were based on both questionnaire responses for some of the facilities and modeling for facilities with no questionnaire responses. See the discussion of use of model facilities in section VI. B. Economic Impact Analysis of this notice, above.

EPA's analysis of this processing location indicates total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.04 to $0.07 per pound of waste removed (see Table B above). These costs are low and the effluent reduction benefits are substantial (10 million pounds per year). No projected processing plant closures or firm failures resulted from the facilities incurring these costs, and EPA did not identify a barrier to entry for new sources. Therefore, EPA concludes that it is reasonable to consider establishing technology-based effluent limitations guidelines and standards for purposes of BPT and NSPS based upon screening technology for the Kenai Peninsula.

C. Sitka

The Sitka location currently includes three operating processors, whose combined annual waste production is approximately four million pounds. EPA's analysis of this processing location indicates the approximate total annualized costs per plant for screening and offshore disposal of screened fish wastes are in the range of less than $0.10 million per plant, or approximately $0.04 to $0.07 per pound of waste removed (see Table B above). These costs are low and the effluent reduction benefits are substantial (approximately four million pounds per year). No projected processing plant closures or firm failures resulted from the facilities incurring these costs, and EPA did not identify a barrier to entry for new sources. Therefore, EPA concludes that it is reasonable to consider establishing technology-based effluent limitations guidelines and standards for purposes of BPT and NSPS based upon screening technology for Sitka.

D. Specific Comment Solicitations

The Agency also solicits comments, data, and information specifically on the following:

(1) Additional anecdotal, photographic, dive studies, and other related information that would assist EPA in analyzing impacts of seafood waste discharges and receiving water waste piles on humans, including impacts on minority, low-income, and indigenous populations overburdened by pollution, and related potential impacts. EPA also solicits information on the impacts on local tourism, nuisances, safe operation of vessels and private and commercial aircraft, etc., as well as impacts on the nearshore and offshore receiving water environments.

(2) Any information that would assist the Agency in assessing plant-specific costs for and economic impacts of individual screening and offshore disposal of screened fish wastes, and similar information for collective by-product recovery facility costs for non-remote processors. This information could include equipment and installation costs, operating costs and factors that influence the designs and the magnitude of these costs, detailed fish processing production data, and financial data including revenues. EPA is also soliciting information on the cost of capital, cost of electric power delivery from local grids where available, etc., for individual facilities for which EPA has not received questionnaire responses in 2010, and any other relevant data and information. EPA would use this information to inform data and analyses for screening and offshore disposal of screened fish wastes presented in Tables A and B, in section VI. B. Economic Impact Analysis of this notice, above.

(3) Short- and long-term trends in the seafood processing industry, the range of species and fisheries, landings, values, etc., as they relate to the industry as a whole and to the processing locations being considered by the Agency for classification as non-remote.

(4) Adding Dutch Harbor, Kenai Peninsula, and Sitka to the list of processing locations considered non-remote, and thus requiring effluent limitations based upon screening. EPA also seeks comment on other potential processing locations that the commenters believe the Agency should consider, but did not specifically identify in this notice. For instance, EPA may consider adding other locations such as Naknek and possibly others to the list of ''non-remote'' locations. EPA will carefully consider the characteristics of any additional locations where information and data supplied with comments show that economies of scale, either individually or collectively, offer opportunities for cost effective management and utilization of screened solid seafood processing wastes similar to existing processing locations already considered to be non-remote.

(5) Factors that influence the economics of the discretionary solids management alternative of collective by-product recovery, primarily within the Alaskan and United States markets for seafood waste by-products. EPA seeks comments and data on the factors affecting the maturing and substantial expansion of collective by-product recovery as it has occurred over the last 30 years in Alaska. EPA is seeking information on supply, demand, and price, long-term and short-term market trends and competing products such as soybean oil, and other sources and types of fish meal. EPA is seeking information also on chitin produced from shellfish, nutraceuticals used as dietary supplements (e.g., Omega-3 fatty acids, chondroitin, etc.), compost and fertilizer supplements, supplemental animal feeds and pet foods, bone meal, and fish waste used to generate methane, etc. EPA also seeks information on the use of fish oil produced from fish wastes as a non-fossil fuel supplement (e.g., diesel fuel) primarily for local or on-site power generation.

(6) Denial of the petition for the five locations addressed in this notice, specifically Anchorage, Cordova, Juneau, Ketchikan, and Petersburg.

(7) Revising the definition of applicability of the regulations at 40 CFR 408.40, 408.60, 408.90, 408.162(b)(1), 408.165(a)(1). 408.172(b)(1), 408.175(a)(1), 408.202(b)(1), 408.205(a)(1), 408.292(b)(1), 408.295(a)(1), 408.312(b)(1), and 408.315(a)(1) to a non-exclusive list of ''non-remote'' facilities from ''population or processing centers'' to ''processing locations'' where one or more seafood processing facilities are located.

Dated: October 24, 2013.

Nancy K. Stoner,

Acting Assistant Administrator, Office of Water.

[FR Doc. 2013–26483 Filed 11–6–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9902–47–OA]

Meetings of the Local Government Advisory Committee and the Small Communities Advisory Subcommittee (SCAS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Small Communities Advisory Subcommittee (SCAS) will meet via teleconference on Tuesday, November 26, 2013 at 10:30 a.m.–11:30 a.m. (ET). The Subcommittee will discuss small systems waste treatment, water infrastructure, air quality issues and other issues and recommendations regarding environmental issues affecting small communities. This is an open meeting and all interested persons are invited to participate. The Subcommittee will hear comments from the public between 10:30 a.m.–10:45 a.m. on November 26, 2013. Individuals or organizations wishing to address the Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to *eargle.frances@epa.gov*. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for appearances requires it.

The Local Government Advisory Committee (LGAC) will meet via teleconference on Tuesday, November 26, 2013, 11:30 a.m.–12:30 p.m. (ET). The Committee will discuss *Draft 2014–2018 EPA Strategic Plan,* air quality issues, brownfield clean ups, water quality issues, environmental justice and other environmental issues of importance to local governments. This is an open meeting and all interested persons are invited to participate. The Committee will hear comments from the public between 11:30 a.m.–11:45 a.m. (ET) on Tuesday, November 26, 2013. Individuals or organizations wishing to address the Committee will be allowed a maximum of five minutes to present their point of view. Also, written comments should be submitted electronically to *eargle.frances@epa.gov*. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule a time on the agenda. Time will be allotted on a first-come first-serve basis, and the total period for comments may be extended if the number of requests for appearances requires it.

ADDRESSES: EPA's Local Government Advisory Committee meetings will be held via teleconference. Meeting summaries will be available after the meeting online at *www.epa.gov/ocir/scas_lgac/lgac_index.htm* and can be obtained by written request to the DFO.

FOR FURTHER INFORMATION CONTACT: Local Government Advisory Committee (LGAC) contact Frances Eargle at (202) 564–3115 or email at *eargle.frances@epa.gov.*

Information Services for Those With Disabilities: For information on access or services for individuals with disabilities, please contact Frances Eargle at (202) 564–3115 or *eargle.frances@epa.gov*. To request accommodation of a disability, please request it 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Frances Eargle,

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. 2013–26490 Filed 11–6–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Intent To Conduct a Detailed Economic Impact Analysis

AGENCY: Policy and Planning Division, Export-Import Bank of the United States.

ACTION: Notice; withdrawal.

SUMMARY: This notice is to inform the public that the Export-Import Bank of the United States is withdrawing a previous **Federal Register** notice informing the public of its intent to conduct a detailed economic impact analysis regarding a loan guarantee to support the export of U.S.-manufactured Boeing 787 wide-body passenger aircraft to an airline in China. Export-Import Bank has recently learned that the Chinese airline will not likely operate on routes in direct competition with U.S. airlines. This recent information was not available at the time the original **Federal Register** notice was posted on August 5th, 2013. Based on this new information, the evaluated transaction does not meet the substantial injury threshold and is therefore not subject to a detailed economic impact analysis.

DATES: The **Federal Register** notice published on August 5, 2013 at 78 FR 47317 is withdrawn as of November 7, 2013.

FOR FURTHER INFORMATION CONTACT: Interested parties may submit comments on this transaction by email to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue NW., Room 442, Washington, DC 20571.

James C. Cruse,

Senior Vice President, Policy and Planning.

[FR Doc. 2013–26684 Filed 11–6–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burden and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501—3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information burden for small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

DATES: Written Paperwork Reduction Act (PRA) comments should be submitted on or before January 6, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

ADDRESSES: Submit your PRA comments to Nicholas A. Fraser, Office of Management and Budget, via fax at 202–395–5167 or via Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov.* To submit your PRA comments by email send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Benish Shah, Office of Managing Director, (202) 418–7866.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0809.

Title: Communications Assistance for Law Enforcement Act (CALEA).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for profit entities.

Number of Respondents: 200 respondents; 285 responses.

Estimated Time per Response: 12 hours average (range of 7.5 to 80 hours).

Frequency of Response: On occasion reporting requirements, recordkeeping requirement and third party disclosure.

Obligation to Respond: Mandatory. Statutory authority for this information collection is contained in sections 105, 107(c), 109(b) and 301 of the Communications Assistance for Law Enforcement Act (CALEA), 47 U.S.C. 1004, 1006(c), 1008(b), and 229.

Total Annual Burden: 3,475 hours.

Total Annual Costs: N/A.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: Pursuant to section 0.457(g) of the Commission's rules, the information in the CALEA system security filings and petitions will not be made routinely available for public inspection. Section 107(c) and section 109(b) filings are entitled to confidential treatment under the Freedom of Information Act. The Commission has directed respondents to file their petitions under a general claim of confidential or proprietary protection, subject only to scrutiny by the Commission and the Attorney General who is consulted in section 107(c) adjudications and is a party to all section 109(b) adjudications.

Needs and Uses: The Communications Assistance for Law Enforcement Act (CALEA) requires the Commission to create rules that regulate the conduct and recordkeeping of lawful electronic surveillance. CALEA was enacted in October 1994 to respond to rapid advances in telecommunications technology and eliminates obstacles faced by law enforcement personnel in conducting electronic surveillance. Section 105 of CALEA requires telecommunications carriers to protect against the unlawful interception of communications passing through their systems. Law enforcement officials use the information maintained by telecommunications carriers to determine the accountability and accuracy of telecommunications carriers' compliance with lawful electronic surveillance orders.

On May 12, 2006, the Commission released a *Second Report and Order and Memorandum Opinion and Order* in ET Docket No. 04–195, FCC 06–56, which became effective August 4, 2006, except for §§ 1.20004 and 1.2005 of the Commission's rules, which became effective on February 12, 2007. The Second Report and Order established new guidelines for filing section 107(c) petitions, section 109(b) petitions, and monitoring reports (FCC Form 445). CALEA section 107(c)(1) permits a petitioner to apply for an extension of time, up to two years from the date that the petition is filed, and to come into compliance with a particular CALEA section 103 capability requirement. CALEA section 109(b) permits a telecommunication carrier covered by CALEA to file a petition with the FCC and an application with the Department of Justice (DOJ) to request that DOJ pay the costs of the carrier's CALEA compliance (cost-shifting relief) with respect to any equipment, facility or service installed or deployed after January 1, 1995. The Second Report and Order required several different collections of information:

(a) Within 90 days of the effective date of the Second Report and Order, facilities based broadband Internet access and interconnected Voice over Interconnected Protocol (VOIP) providers newly identified in the First Report and Order in this proceeding were required to file system security statements under the Commission's rules. (Security systems are currently approved under the existing OMB 3060–0809 information collection).

(b) All telecommunications carriers, including broadband Internet access and interconnected VoIP providers, must file updates to their systems security statements on file with the Commission as their information changes.

(c) Petitions filed under Section 107(c), request for additional time to comply with CALEA; these provisions apply to all carriers subject to CALEA and are voluntary filings.

(d) Section 109(b), request for reimbursement of CALEA; these provisions apply to all carriers subject to CALEA and are voluntary filings.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–26679 Filed 11–6–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 2, 2013.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. *Banner County Ban Corporation Employee Stock Plan and Trust,* Harrisburg, Nebraska; to acquire up to an additional 11.17 percent for a total of

40.78 percent of the voting shares of Banner County Ban Corporation, and thereby indirectly acquire voting shares of Banner Capital Bank, both in Harrisburg, Nebraska.

2. *Nebraska Bankshares, Inc.,* Farnam, Nebraska; to acquire 100 percent of the voting shares of Stamford Banco, Inc., Stamford, Nebraska, and thereby indirectly acquire voting shares of Community Bank, Alma, Nebraska.

In connection with this application, Applicant also has applied to acquire 100 percent of the voting shares of Stamford Banco, Inc., Stamford, Nebraska, and thereby engage in general insurance activities in a town of less than 5,000 in population, pursuant to section 225.28(b)(11)(iii)(A).

Board of Governors of the Federal Reserve System, November 4, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–26689 Filed 11–6–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Submission for OMB Review; Comment Request

AGENCY: Federal Trade Commission.

ACTION: Notice and request for comment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for the information collection requirements contained in Regulation N. That clearance expires on November 30, 2013. The FTC's current PRA clearance (OMB Control Number 3084–0156) for Regulation N is under the FTC's Mortgage Acts and Practices—Advertising Rule, which was republished by the CFPB as Regulation N on December 16, 2011, and became effective December 30, 2011. The Commission rescinded the Mortgage Acts and Practices—Advertising Rule on, and effective, April 13, 2012.

DATES: Comments must be received by December 9, 2013.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information requirements should be addressed to Carole L. Reynolds, Attorney, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580, (202) 326–3230.

SUPPLEMENTARY INFORMATION:

Title: Mortgage Acts and Practices—Advertising (Regulation N), 12 CFR 1014.

OMB Control Number: 3084–0156.

Type of Review: Extension of a currently approved collection.

Abstract: The FTC's Mortgage Acts and Practices—Advertising Rule, 16 CFR 321, was issued by the FTC on July 19, 2011, at *www.ftc.gov,* published in the **Federal Register**, 76 FR 43845, and became effective on August 19, 2011.

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act) [1] substantially changed the federal legal framework for financial services providers. Among the changes, the Dodd-Frank Act transferred to the Consumer Financial Protection Bureau (CFPB) the Commission's rulemaking authority under section 626 of the 2009 Omnibus Appropriations Act on July 21, 2011. As a result, the CFPB republished the Mortgage Acts and Practices—Advertising Rule, at 12 CFR 1014, which became effective December 30, 2011. 76 FR 78130. Thereafter, the Commission rescinded its Rule on, and effective, April 13, 2012. 77 FR 22200. Under the Dodd-Frank Act, the FTC retains its authority to bring law enforcement actions to enforce Regulation N.[2] The FTC and the CFPB share enforcement authority for Regulation N and thus the CFPB has incorporated into its recently approved burden estimates [3] for Regulation N one half of the FTC's pre-existing cleared burden estimates.

Regulation N's recordkeeping requirements constitute a ''collection of information'' [4] for purposes of the PRA.[5] The Rule does not impose a disclosure requirement.

Regulation N requires covered persons to retain: (1) Copies of materially different commercial communications and related materials, regarding any term of any mortgage credit product, that the person made or disseminated during the relevant time period; (2) documents describing or evidencing all mortgage credit products available to consumers during the relevant time period; and (3) documents describing or evidencing all additional products or services (such as credit insurance or credit disability insurance) that are or may be offered or provided with the mortgage credit products available to consumers during the relevant time period. A failure to keep such records would be an independent violation of the Rule.

Commission staff believes these recordkeeping requirements pertain to records that are usual and customary and kept in the ordinary course of business for many covered persons, such as mortgage brokers, lenders, and servicers.[6] As to these persons, the retention of these documents does not constitute a ''collection of information,'' as defined by OMB's regulations that implement the PRA.[7] Other covered persons, however, such as real estate agents and brokers, advertising agencies, home builders, lead generators, rate aggregators, and others, may not currently maintain these records in the ordinary course of business. Thus, the recordkeeping requirements for those persons would constitute a ''collection of information.''

The information retained under the Rule's recordkeeping requirements is used by the Commission to substantiate compliance with the Rule and may also provide a basis for the Commission to bring an enforcement action. Without the required records, it would be difficult either to ensure that entities are complying with the Rule's requirements or to bring enforcement actions based on violations of the Rule.

On August 1, 2013, the Commission sought comment on the Rule's information collection requirements.[8] No comments were received.

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[1] Public Law 111–203, 124 Stat. 1376 (2010).

[2] The Commission also retained its authority to enforce the Mortgage Acts and Practices—Advertising Rule from the Rule's issuance in July 2011 until the CFPB's republished rule, Regulation N, became effective on December 30, 2011. *See infra* note 11.

[3] The CFPB clearance for their information collections associated with Regulation N was approved by the OMB on July 25, 2012 (OMB Control Number 3170–0009) through July 31, 2015.

[4] Section 1014.5 of the Rule sets forth the recordkeeping requirements.

[5] *See* 44 U.S.C. 3502(3)(A).

[6] Some covered persons, particularly mortgage brokers and lenders, are subject to state recordkeeping requirements for mortgage advertisements. *See, e.g.,* Fla. Stat. 494.00165 (2012); Ind. Code Ann. 23–2–5–18 (2012); Kan. Stat. Ann. 9–2208 (2012); Minn. Stat. 58.14 (2012); Wash. Rev. Code 19.146.060 (2013). Many mortgage brokers, lenders, and servicers are also subject to state recordkeeping requirements for mortgage transactions and related documents, and these may include descriptions of mortgage credit products. See, e.g., Mich. Comp. Laws Serv. 445.1671 (2013); N.Y. Banking Law 597 (Consol. 2012); Tenn. Code Ann. 45–13–206 (2013). In addition, lenders and mortgagees approved by the FHA must retain copies of all print and electronic advertisements and promotional materials for a period of two years from the date the materials are circulated or used to advertise. *See* 24 CFR 202.

[7] *See* 44 U.S.C. 3502(3)(A); 5 CFR 1320.3(b)(2).

[8] *See* 78 FR 46583.

As required by OMB regulations, 5 CFR Part 1320, the FTC is providing this second opportunity for public comment.

Likely Respondents: Real estate agents and brokers, advertising agencies, home builders, lead generators, rate aggregators, and others that may provide commercial communications regarding mortgage credit product terms.[9]

Estimated Annual Hours Burden: 1,800,000 hours.

- Derived from 1.2 million likely respondents[10] × approximately 3 hours each respondent per year to do these tasks = 3.6 million hours.
- Since the FTC shares enforcement authority with the CFPB for Regulation N, the FTC's allotted PRA burden is 1,800,000 annual hours.[11]

Estimated Annual Cost Burden: $24,264,000, which is derived from 1.8 million hours × $13.48 per hour.[12]

[9] The Commission does not know what percentage of these persons are, in fact, engaged in covered conduct under the Rule, i.e., providing commercial communications about mortgage credit product terms. For purposes of these estimates, the Commission has assumed all of them are covered by the recordkeeping provisions and are not retaining these records in the ordinary course of business.

[10] No general source provides precise numbers of the various categories of covered persons. Commission staff, therefore, has used the following sources and inputs to arrive at this estimated total: (1) 1 million real estate brokers and agents—from the National Association of Realtors, *see http://www.realtor.org* (last visited June 24, 2013) ; (2) 140,000 home builders—from the National Association of Home Builders, *see http://www.NAHB.org* (last visited June 24, 2013); (3) 350 finance companies—from the American Financial Services Association, *see http://www.afsaonline.org* (last visited June 24, 2013); (4) 29,770 advertising agencies—from the North American Industry Classification System Association's database of U.S. businesses, see *http://www.naics.com* (last visited June 24, 2013); (5) 1,000 lead generators and rate aggregators—based on staff's administrative experience. These inputs add to 1,171,120; for rounding, and to account further for potentially unspecified other covered persons, however, staff has increased the resulting total to 1.2 million.

[11] This burden estimate includes recordkeeping requirements of the FTC's Mortgage Acts and Practices Rule for the period from December 1, 2013—December 29, 2013. The Commission retained its authority to enforce the Mortgage Acts and Practices—Advertising Rule from the Rule's issuance in July 2011 until the CFPB's republished rule, Regulation N, became effective on December 30, 2011. Thus, the Commission's Rule had a correlative two-year recordkeeping for the above period concluding on December 29, 2013. Burden imposed on covered entities after that time are covered by the same recordkeeping requirements under Regulation N, which commenced December 30, 2011.

[12] This estimate is based on mean hourly wages for office support file clerks provided by the Bureau of Labor Statistics. *See* U.S. Bureau of Labor Statistics, *Occupational Employment and Wages—May 2012,* table 1 (''National employment and wage data from the Occupational Employment Statistics survey by occupation,'' released Mar. 29, 2013), *available at http://www.bls.gov/news.release/pdf/ocwage.pdf.*

Request for Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 9, 2013. Write ''Regulation N: FTC File No. P134811; K05'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is * * * privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online, or to send it to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/regulationnpra2,* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Regulation N: FTC File No. P134811; K05'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 9, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

David C. Shonka,

Principal Deputy General Counsel.

[FR Doc. 2013–26697 Filed 11–6–13; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Scientific Information Request on Core Needle and Open Surgical Biopsy for Diagnosis of Breast Lesions

AGENCY: Agency for Healthcare Research and Quality (AHRQ), HHS.

ACTION: Request for Scientific Information Submissions.

SUMMARY: The Agency for Healthcare Research and Quality (AHRQ) is seeking scientific information submissions from

the public on core needle and open surgical biopsy for diagnosis of breast lesions. Scientific information is being solicited to inform our review of *Core Needle and Open Surgical Biopsy for Diagnosis of Breast Lesions,* which is currently being conducted by the Evidence-based Practice Centers for the AHRQ Effective Health Care Program. Access to published and unpublished pertinent scientific information on core needle and open surgical biopsy will improve the quality of this review. AHRQ is conducting this comparative effectiveness review pursuant to Section 1013 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, Public Law 108–173, and Section 902(a) of the Public Health Service Act, 42 U.S.C. 299a(a).

DATES: *Submission Deadline* on or before December 9, 2013.

ADDRESSES:

Online submissions: http://effectivehealthcare.AHRQ.gov/index.cfm/submit-scientific-information-packets/. Please select the study for which you are submitting information from the list to upload your documents.

Email submissions: SIPS@epc-src.org.

Print submissions: Mailing Address: Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, PO Box 69539, Portland, OR 97239.

Shipping Address (FedEx, UPS, etc.): Portland VA Research Foundation, Scientific Resource Center, ATTN: Scientific Information Packet Coordinator, 3710 SW U.S. Veterans Hospital Road, Mail Code: R&D 71, Portland, OR 97239.

FOR FURTHER INFORMATION CONTACT: Robin Paynter, Research Librarian, Telephone: 503–220–8262 ext. 58652 or Email: *SIPS@epc-src.org.*

SUPPLEMENTARY INFORMATION: The Agency for Healthcare Research and Quality has commissioned the Effective Health Care (EHC) Program Evidence-based Practice Centers to complete a review of the evidence for *Core Needle and Open Surgical Biopsy for Diagnosis of Breast Lesions—An Update to the 2009 Report.*

The EHC Program is dedicated to identifying as many studies as possible that are relevant to the questions for each of its reviews. In order to do so, we are supplementing the usual manual and electronic database searches of the literature by requesting information from the public (e.g., details of studies conducted). We are looking for studies that report on core needle and open surgical biopsy, including those that describe adverse events. The entire research protocol, including the key questions, is also available online at: *http://www.effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayProduct&productID=1723.*

This notice is to notify the public that the EHC program would find the following information on core needle and open surgical biopsy helpful:

- A list of completed studies your company has sponsored for this indication. In the list, *indicate whether results are available on ClinicalTrials.gov along with the ClinicalTrials.gov trial number.*
- *For completed studies that do not have results on ClinicalTrials.gov,* a summary, including the following elements: study number, study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, primary and secondary outcomes, baseline characteristics, number of patients screened/eligible/enrolled/lost to follow-up/withdrawn/analyzed, effectiveness/efficacy, and safety results.
- *A list of ongoing studies your company has sponsored for this indication.* In the list, please provide the ClinicalTrials.gov trial number or, if the trial is not registered, the protocol for the study including a study number, the study period, design, methodology, indication and diagnosis, proper use instructions, inclusion and exclusion criteria, and primary and secondary outcomes.
- Description of whether the above studies constitute *ALL Phase II and above clinical trials* sponsored by your company for this indication and an index outlining the relevant information in each submitted file.

Your contribution is very beneficial to the Program. The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or can be made public. Materials that are considered confidential; marketing materials; study types not included in the review; or information on indications not included in the review cannot be used by the Effective Health Care Program. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

The draft of this review will be posted on AHRQ's EHC program Web site and available for public comment for a period of 4 weeks. If you would like to be notified when the draft is posted, please sign up for the email list at: *http://effectivehealthcare.AHRQ.gov/index.cfm/join-the-email-list1/.*

The systematic review will answer the following questions. This information is provided as background. AHRQ is not requesting that the public provide answers to these questions. The entire research protocol, is also available online at: *http://www.effectivehealthcare.AHRQ.gov/search-for-guides-reviews-and-reports/?pageaction=displayProduct&productID=1723.*

The Key Questions

The Key Questions (KQs) and study selection criteria (population, intervention, comparator, outcome, timing, and setting; PICOTS) for this update began with those specified in the original report. On the basis of input from clinical experts during the development of this protocol, we have made selected revisions to the KQs and study eligibility criteria to clarify the focus of the updated systematic review.

The following three KQs will be addressed in the review:

Question 1

In women with a palpable or nonpalpable breast abnormality, what is the test performance of different types of core-needle breast biopsy when compared with open biopsy for diagnosis?

I. What factors associated with the patient and her breast abnormality influence the test performance of different types of core-needle breast biopsy when compared with open biopsy for diagnosis of a breast abnormality?

II. What factors associated with the procedure itself influence the test performance of different types of core-needle breast biopsy when compared with open biopsy for diagnosis of a breast abnormality?

III. What clinician and facility factors influence the test performance of core-needle breast biopsy when compared with open biopsy for diagnosis of a breast abnormality?

Question 2

In women with a palpable or nonpalpable breast abnormality, what are the harms associated with different types of core-needle breast biopsy when compared with open biopsy for diagnosis?

I. What factors associated with the patient and her breast abnormality influence the harms of core-needle breast biopsy when compared with the open biopsy technique in the diagnosis of a breast abnormality?

II. What factors associated with the procedure itself influence the harms of core-needle breast biopsy when

compared with the open biopsy technique in the diagnosis of a breast abnormality?

III. What clinician and facility factors influence the harms of core-needle breast biopsy when compared with the open biopsy technique in the diagnosis of a breast abnormality?

Question 3

How do open biopsy and various core-needle techniques differ in terms of patient preference, availability, costs, availability of qualified pathologist interpretations, and other factors that may influence choice of a particular technique?

Study Eligibility Criteria (PICOTS: Population, Intervention, Comparators, Outcomes, Timing, and Setting)

Population

The population for all KQs is women who have been referred for biopsy for the diagnosis of primary breast cancer (including multifocal and bilateral disease) following self-examination, physical examination, or screening mammography. Studies carried out in women at high baseline risk of breast cancer (e.g., due to BRCA mutations) will therefore be included; however studies carried out in women who have been previously diagnosed with breast cancer and are being examined for recurrence will be excluded [a].

Interventions

For all KQs, the intervention is a core-needle biopsy done to evaluate whether a breast lesion is malignant. Other uses of biopsy techniques (e.g., use of biopsy to examine the sentinel lymph nodes in women with an established diagnosis of breast cancer) are excluded.

Comparators (Reference Standard and Comparator Index Tests)

For test performance outcomes (KQ 1) the reference standard is either open surgical biopsy or follow-up by clinical examination and/or mammography for at least 6 months. The diagnostic performance of each core biopsy technique (each index test) will be quantified versus the reference standard [b]. The comparative diagnostic performance of alternative core-needle biopsy techniques is also of interest [c].

For harms and patient-relevant outcomes (outcomes other than diagnostic performance; KQs 2 and 3) the comparators are:

I. Open surgical biopsy
II. Follow-up by clinical examination and/or mammography for at least 6 months
III. Alternative core-needle biopsy methods (e.g., stereotactic mammography vs. ultrasound to locate the breast lesion; use vs. nonuse of vacuum assistance to extract tissue samples)

Outcomes

I. For KQ 1, test performance outcomes, as assessed by the following measures:

A. Sensitivity (proportion of cancerous tumors detected by the reference standard that are also detected by core-needle biopsy)
B. False-negative rate (proportion of negative findings according to core-needle biopsy that are classified as positive by the reference standard)
C. The underestimation rate for atypical ductal hyperplasia (ADH; proportion of core needle biopsy findings of ADH that are found to be malignant according to the reference standard)
D. The underestimation rate for DCIS (proportion of core-needle biopsy findings of DCIS that are found to be invasive according to the reference standard)

II. For KQ 2:

A. Rate of inconclusive biopsy findings (e.g., inadequate sampling of the lesion)
B. Repeat biopsy rate
C. Subsequent false-positive and false-negative rates on mammography
D. Dissemination (seeding) of cancerous cells along the needle track
E. Patient-centered outcomes (including bruising, bleeding or hematomas, pain, use of pain medication, infections, fainting or near fainting, and time to recover)

III. For KQ 3:

A. Patient-relevant outcomes
  1. Patient preferences for specific procedures
  2. Cosmetic results
  3. Quality of life
  4. Anxiety and other psychological outcomes
  5. Time to complete tumor removal (for women with cancer)
  6. Recurrence rate (for women with cancer, including local, regional, and distant recurrence)
  7. Cancer-free survival and overall survival
B. Resource use and logistics
  1. Costs
  2. Resource utilization other than cost (number of additional surgical procedures [e.g., re-excisions, procedural time])
  3. Subsequent surgical procedures
  4. Wait time for test results
C. Availability of technology and relevant expertise
  1. Physician experience
  2. Availability of equipment
  3. Availability of (qualified) pathologists to evaluate biopsy samples

Timing

Duration of clinical and/or mammographic follow-up must be at least 6 months in studies where open surgical biopsy was not performed.

Setting

Studies in all geographic locations and care settings will be evaluated, including general hospitals, academic medical centers, and ambulatory surgical centers, among others.

Explanation to References in Population and Interventions Sections Above

[a] The original review excluded studies carried out in women at high risk of breast cancer; however, magnetic resonance imaging (MRI)-guided biopsy, which has been identified as a topic of interest for the updated review, is used mainly in this subset of patients. For this reason, following extensive discussions with the TEP (Technical Expert Panel), we decided to broaden the scope of the review to cover women at high risk for cancer. In effect, this will be a de novo review with respect to this population subset.

[b] Most assessments of diagnostic performance quantify the sensitivity and the specificity of each index test—here each core-needle biopsy technique. Sensitivity and specificity are probabilities conditional on true disease status and are noncomparative in nature. The reference standard is used in their definition and is not a ''comparator test.''

[c] That is, differences or ratios of sensitivities and of specificities between alternative core-needle biopsy techniques.

Dated: October 31, 2013.

Richard Kronick,

AHRQ Director.

[FR Doc. 2013–26617 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–14–0026]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic

summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Report of Verified Case of Tuberculosis (RVCT), (OMB No. 0920–0026 exp. 5/31/2014)—Extension—National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In the United States, an estimated 10 to 15 million people are infected with *Mycobacterium tuberculosis* and about 10% of these persons will develop tuberculosis (TB) disease at some point in their lives. The purpose of this project is to continue ongoing national tuberculosis surveillance using the standardized Report of Verified Case of Tuberculosis (RVCT). Data collected using the RVCT help state and federal infectious disease officials to assess changes in the diagnosis and treatment of TB, monitor trends in TB epidemiology and outbreaks, and develop strategies to meet the national goal of TB elimination.

CDC currently conducts and maintains the national TB surveillance system (NTSS) pursuant to the provisions of Section 301(a) of the Public Service Act [42 U.S.C. 241] and Section 306 of the Public Service Act [42 U.S.C. 241(a)]. Data are collected by 60 reporting areas (the 50 states, the District of Columbia, New York City, Puerto Rico, and 7 jurisdictions in the Pacific and Caribbean). The last major revision of the RVCT data collection instrument was approved in 2009, in consultation with CDC's Division of Tuberculosis Elimination (DTBE), state and local health departments, and partner organizations including the National TB Controllers Association, the Council for State and Territorial Epidemiologists, and the Advisory Committee for the Elimination of Tuberculosis. No revisions to the RVCT are proposed in this data collection extension request.

CDC publishes an annual report using RVCT data to summarize national TB statistics and also periodically conducts special analyses for publication to further describe and interpret national TB data. These data assist in public health planning, evaluation, and resource allocation. Reporting areas also review and analyze their RVCT data to monitor local TB trends, evaluate program success, and focus resources to eliminate TB.

No other Federal agency collects this type of national TB data. In addition to providing technical assistance on the use of RVCT, CDC provides technical support for reporting software. In this request, CDC is requesting approval for approximately 5,810 burden hours. There is no cost to respondents except for their time.

ESTIMATE OF ANNUALIZED BURDEN TABLE

Types of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Local, state, and territorial health departments	RVCT Form	60	166	35/60	5,810
Total					5,810

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–26693 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60-Day–14–14BA]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to LeRoy Richardson, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an email to *omb@cdc.gov.*

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Annual Survey of the National Breast and Cervical Cancer Early Detection Program (NBCCEDP) Grantees—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

To improve access to cancer screening, Congress passed the Breast and Cervical Cancer Mortality Prevention Act of 1990 (Public Law 101–354) which directed CDC to create

the National Breast and Cervical Cancer Early Detection Program (NBCCEDP). Currently, the NBCCEDP funds 67 grantees including all 50 states, the District of Columbia, 5 U.S. territories, and 11 American Indian/Alaska Native tribes or tribal organizations. Grantees provide screening services for breast and cervical cancer to low-income, uninsured, and underinsured women who otherwise would not have access to screening.

Since 1991, NBCCEDP-funded grantees have served more than 4.3 million women, provided more than 10.7 million breast and cervical cancer screening examinations, and diagnosed more than 56,662 breast cancers, 3,206 invasive cervical cancers, and 152,470 premalignant cervical lesions, of which 41% were high-grade. As a comprehensive, organized screening program, the NBCCEDP supports activities including program management, partnership development, public education and targeted outreach, screening and diagnostic services, patient navigation, quality assurance and quality improvement, professional development, data management and utilization, and program monitoring and evaluation. For clinical service delivery, grantees fund health care providers in their state/territory/tribe to deliver breast and cervical cancer screening, diagnostic evaluation, and treatment referrals for women diagnosed with cancer.

CDC issued a new Funding Opportunity Announcement (FOA) to support a new 5-year cooperative agreement for the NBCCEDP effective July 2012. This new FOA begins to shift the NBCCEDP from a focus on direct service provision to implementation of expanded evidence-based activities intended to increase rates of breast and cervical cancer screening at the population level. Though NBCCEDP grantees continue to provide breast and cervical cancer screening for uninsured and underinsured women, CDC is encouraging the implementation of strategies to increase screening rates beyond that of program-eligible women.

CDC plans to implement an annual survey of NBCCEDP program directors in order to assess program implementation, particularly related to these expanded population-based efforts. The Web-based survey includes questions on respondent background, program activities, clinical service delivery, monitoring and evaluation, partnerships, training and technical assistance needs, and program management. Questions are of various types including dichotomous and multiple response. The estimated burden per response is 45 minutes.

This assessment will enable CDC to gauge its progress in meeting NBCCEDP program goals, identify implementation activities, monitor program transition to efforts aimed at impacting population-based screening, identify technical assistance needs of state, tribe and territorial health department cancer control programs, and identify implementation models with potential to expand and transition to new settings to increase program impact and reach. The assessment will identify successful activities that should be maintained, replicated, or expanded as well as provide insight into areas that need improvement.

OMB approval is requested for three years. Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hr)	Total burden (in hr)
NBCCEDP Program Directors.	CDC National Breast and Cervical Cancer Early Detection Program (NBCCEDP) Grantee Survey of Program Implementation.	67	1	45/60	50

LeRoy Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–26671 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket Number NIOSH–156]

Issuance of Final Guidance Publication

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of issuance of final guidance publication.

SUMMARY: The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), announces the availability of the following publication: ''Current Intelligence Bulletin 66—Derivation of Immediately Dangerous to Life or Health (IDLH) Values'' [NIOSH 2014–100].

ADDRESSES: This document may be obtained at the following link: *www.cdc.gov/niosh/docs/2014-100/.*

FOR FURTHER INFORMATION CONTACT: G. Scott Dotson, Ph.D. CIH, NIOSH Education and Information Division, Taft Laboratories Building, 4676 Columbia Parkway, Cincinnati, Ohio, 45226. (513) 533–8540.

Dated: November 1, 2013.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2013–26678 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Council for the Elimination of Tuberculosis (ACET)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 11:00 a.m.–3:30 p.m., December 3, 2013

Place: This meeting is accessible by Web conference. Toll-free +1 (866) 844–9416, Participant Code: 2727032.

For Participants:

URL: *https://www.mymeetings.com/nc/join/.*

Conference number: PW5636201.

Audience passcode: 2727032.

Participants can join the event directly at: https://www.mymeetings.com/nc/join.php?i=PW5636201&p=2727032&t=c.

Status: Open to the public limited only by web conference.

Participation by Web conference is limited by the number of 100 ports available.

Purpose: This council advises and makes recommendations to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the elimination of tuberculosis. Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; and reviews the extent to which progress has been made toward eliminating tuberculosis.

Matters To Be Discussed: Agenda items include the following topics: (1) ACET Chair's report to the Secretary; (2) ACET Essential Components Workgroup Update; (3) Drug Shortages Update; and (4) other tuberculosis-related issues.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Margie Scott-Cseh, CDC, 1600 Clifton Road, NE., M/S E–07, Atlanta, Georgia 30333, Telephone: (404) 639–8317; Email: *zkr7@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2013–26633 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

Notice of Cancellation: This notice concerns ''Occupational Safety and Health Training Project Grants (T03), Funding Opportunity Announcement PAR–10–288, initial review, published in the **Federal Register** on October 2, 2013 (FR Volume 78, Number 191, Page 60877). This SEP, scheduled to convene on November 6, 2013, is canceled.

Notice will be provided if the meeting is rescheduled in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

This notice is published less than the required 15 days prior to the start of the announced meeting, in accordance with Section 102–3.150(b) of the GSA Final Rule (2001) that allows for exceptions to the meeting notification time requirement. Section 102–3.150(b) states the following: ''In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 calendar days' notice, provided that the reasons for doing so are included in the advisory committee meeting notice published in the **Federal Register**.''

In this case, the agency is giving less than 15 days' notice due to the recent furlough status of United States Federal Government, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, from October 1–16, 2013.

Contact Person for More Information: Joan F. Karr, Ph.D., Scientific Review Officer, CDC/NIOSH, 1600 Clifton Road, Mailstop E–74, Atlanta, Georgia 30333, Telephone: (404) 498–2506. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–26650 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Capacity Building Assistance for High Impact HIV Prevention, Funding Opportunity Announcement (FOA) PS14–1403, Initial Review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned SEP:

Times and Dates: 8:00 a.m.–8:00 p.m., December 10–12, 2013 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Capacity Building Assistance for High Impact HIV Prevention'' FOA PS14–1403.

Contact Person for More Information: Harriette A. Lynch, Public Health Analyst, CDC, 1600 Clifton Road, NE., Mailstop E07, Atlanta, Georgia 30333, Telephone: (404) 718–8837. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–26635 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Occupational Safety and Health Training Project Grants (T03), PAR–10–288, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time and Date: 12:00 p.m.–5:00 p.m., January 8, 2014 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters To Be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Occupational Safety and Health Training Project Grants (T03), PAR–10–288.''

Contact Person for More Information: Joan F. Karr, Ph.D., Scientific Review Officer, CDC/NIOSH, 1600 Clifton Road, Mailstop E–74, Atlanta, Georgia 30333, Telephone:

(404)498–2506. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–26636 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

Notice of Cancellation: This notice concerns ''Capacity Assistance for High Impact HIV Prevention'', Funding Opportunity Announcement PS14–1403, initial review, published in the **Federal Register** on September 18, 2013 (FR Volume 78, Number 181, Page 57391). This SEP, scheduled to convene on November 12–15, 2013, is canceled.

Notice will be provided if the meeting is rescheduled in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463).

This notice is published less than the required 15 days prior to the start of the announced meeting, in accordance with Section 102–3.150(b) of the GSA Final Rule (2001) that allows for exceptions to the meeting notification time requirement. Section 102–3.150(b) states the following: ''In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 calendar days' notice, provided that the reasons for doing so are included in the advisory committee meeting notice published in the **Federal Register**.''

In this case, the agency is giving less than 15 days' notice due to the recent furlough status of United States Federal Government, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, from October 1–16, 2013.

Contact Person for More Information: Harriette A. Lynch, Public Health Analyst, CDC, 1600 Clifton Road NE., Mailstop E07, Atlanta, Georgia 30333, Telephone: (404) 718–8837. The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–26651 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Public Health Preparedness and Response, Board of Scientific Counselors (BSC OPHPR)

Cancellation

This notice was published in the **Federal Register** on September 12, 2013, Volume 78, Number 177, page 56235. The meeting previously scheduled to convene on October 16–17, 2013, was cancelled.

Contact Person for More Information: Marquita Black, Executive Assistant, Office of Science and Public Health Practice, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop D–44, Atlanta, Georgia 30333, Telephone: (404) 639–7325; Facsimile: (404) 639–7977; Email: *OPHPR.BSC.Questions@cdc.gov*.

This notice is published less than the required 15 days prior to the start of the announced meeting, in accordance with Section 102–3.150(b) of the GSA Final Rule (2001) that allows for exceptions to the meeting notification time requirement. Section 102–3.150(b) states the following: ''In exceptional circumstances, the agency or an independent Presidential advisory committee may give less than 15 calendar days' notice, provided that the reasons for doing so are included in the advisory committee meeting notice published in the **Federal Register**.''

In this case, the agency is giving less than 15 days' notice due to the recent furlough status of United States Federal Government, including the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, from October 1–16, 2013.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–26634 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention—State, Tribal, Local and Territorial (STLT) Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following meeting of the aforementioned subcommittee:

Time and Date: 3:00 p.m.–4:10 p.m. EST, December 2, 2013.

Place: This meeting will be held by teleconference.

Status: This meeting is open to the public, limited only by the availability of telephone ports (100). The public is welcome to participate during the public comment period, which is tentatively scheduled from 4:00 p.m. to 4:05 p.m. To participate on the teleconference, please dial (888) 233–0592 and enter code 33288611.

Purpose: The Subcommittee will provide advice to the CDC Director through the ACD on strategies and future needs and challenges faced by State, Tribal, Local and Territorial health agencies, and will provide guidance on opportunities for CDC.

Matters To Be Discussed: The STLT Subcommittee members will discuss implementation of ACD-adopted recommendations related to the health department of the future and how CDC can best support STLT health departments.

The agenda is subject to change as priorities dictate.

Contact Person for More Information: Judy Monroe, M.D., Designated Federal Officer, STLT Territorial Subcommittee, ACD, CDC, 1600 Clifton Road, NE., M/S E–70, Atlanta, Georgia 30333. Telephone (404) 498–6775, Email: *OSTLTSDirector@cdc.gov.* Please submit comments to *OSTLTSDirector@cdc.gov* by November 25, 2013.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and

Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 2013–26632 Filed 11–6–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Community-Based Family Resource and Support Grants (Name changed to Child Abuse Prevention Program).

OMB No.: 0970–0155.

Description: The Program Instruction, prepared in response to the enactment of the Community-Based Grants for the Prevention of Child Abuse and Neglect (administratively known as the Community Based Child Abuse Prevention Program, (CBCAP), as set forth in Title II of Public Law 108–36, Child Abuse Prevention and Treatment Act Amendments of 2003, and in the process of reauthorization, provides direction to the States and Territories to accomplish the purposes of (1) supporting community-based efforts to develop, operate, expand, and where appropriate to network, initiatives aimed at the prevention of child abuse and neglect, and to support networks of coordinated resources and activities to better strengthen and support families to reduce the likelihood of child abuse and neglect, and; (2) fostering an understanding, appreciation, and knowledge of diverse populations in order to be effective in preventing and treating child abuse and neglect. This Program Instruction contains information collection requirements that are found in (Pub. L. 108–36) at sections 201; 202; 203; 205; 206; 207; and pursuant to receiving a grant award. The information submitted will be used by the agency to ensure compliance with the statute, complete the calculation of the grant award entitlement, and provide training and technical assistance to the grantee.

Respondents: State Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Application	52	1	40	2,080
Annual Report	52	1	24	1,248

Estimated Total Annual Burden Hours: 3,328.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2013–26672 Filed 11–6–13; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0575]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by December 9, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910—New and title ''Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry on Expedited Programs for Serious Conditions—Drugs and Biologics—(OMB Control Number 0910–New)

Description of Respondents: Respondents to this collection of

information are sponsors that develop drugs and biological products.

Burden Estimate: This guidance outlines FDA's policies and procedures related to the following expedited programs for serious conditions: (1) Fast track designation including rolling review, (2) breakthrough therapy designation, (3) accelerated approval, and (4) priority review designation. In addition, this guidance describes threshold criteria generally applicable to these expedited programs.

This guidance refers to previously approved collections of information found in FDA regulations. The collections of information in 21 CFR parts 202.1, 314, and 601, and sections 505(a), 506(a)(1), 735, and 736 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(a), 356(a)(1), 379(g), and 379(h)) have been approved under OMB control numbers 0910–0686, 0910–0001, 0910–0338, 0910–0014, and 0910–0297.

This guidance proposes the following new collections of information:

Priority Review Designation Request. The guidance describes that a sponsor may expressly request priority review of an application. Based on information from FDA's databases and information available to FDA, we estimate that approximately 47 sponsors will prepare and submit approximately 1 priority review designation submission in accordance with the guidance and that the added burden for each submission will be approximately 30 hours to develop and submit to FDA as part of the application (totaling 1,410 hours).

Breakthrough Therapy Designation Request. The guidance describes the process for sponsors to request breakthrough therapy designation in an application. Based on information available to FDA, we estimate that approximately 24 sponsors will prepare approximately 1 breakthrough therapy designation submission in accordance with the guidance and that the added burden for each submission will be approximately 70 hours to prepare and submit (totaling 1,680 hours).

Promotional Materials for Accelerated Approval Under Part 314. The guidance describes section 506(b)(2)(B) of the FD&C Act and FDA's accelerated approval regulations (§§ 314.550 and 601.45). These provisions authorize FDA to require sponsors to submit copies of all promotional materials to the Agency for consideration prior to their dissemination. The regulations provide that copies of all promotional materials including promotional labeling as well as advertisements intended for dissemination or publication within 120 days following marketing approval must be submitted to FDA during the preapproval period. The regulations further provide that after 120 days following marketing approval, unless otherwise informed by the Agency, the applicant must submit promotional materials at least 30 days prior to the intended time of initial dissemination of the labeling or initial publication of the advertisement. Currently, FDA has OMB approval for the submission of copies of all promotional materials under part 601 (OMB control number 0910–0338) but does not have approval for the submission of copies of all promotional materials under part 314.

Based on information from FDA's databases and information available to FDA, we estimate that approximately 20 sponsors will submit promotional materials for accelerated approval 7 times annually in accordance with § 314.550 and that the burden for each submission will be approximately 120 hours (a total of 16,800 hours).

In the **Federal Register** of June 26, 2013 (78 FR 38349), FDA published a 60-day notice requesting public comment on the proposed collection of information. FDA received 26 comments. However, these comments did not address the information collection.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance on expedited programs	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Priority Review Designation Request	47	1	47	30	1,410
Breakthrough Therapy Designation Request	24	1	24	70	1,680
Promotional Materials for Accelerated Approval Under § 314.550	20	7	140	120	16,800
Total hours					19,890

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: November 1, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–26695 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1295]

Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products.'' This draft guidance clarifies the distinction between hearing aids and personal sound amplification products (PSAPs), as well as the regulatory controls that apply to each. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by February 5, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled ''Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products'' to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov*. Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Eric A. Mann, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 2438, Silver Spring, MD 20993–0002, 301–796–5620.

SUPPLEMENTARY INFORMATION:

I. Background

Since issuance of the February 25, 2009 guidance entitled, ''Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products'' FDA has become aware of a lack of clarity regarding how the Agency defines a hearing aid versus a personal sound amplification product (PSAP), which has also led, in some cases, to inappropriate application of regulatory requirements for such products. These inconsistent interpretations of the definitions may inadvertently result in hearing-impaired consumers bypassing safeguards that were implemented to promote the prompt diagnosis of treatable medical conditions causing hearing loss. To ensure consistent interpretation, consistent application of relevant regulatory requirements, and adequate protection of the public health, FDA seeks to further clarify the definitions of hearing aids and PSAPs.

This draft guidance, when finalized, will supersede the guidance entitled ''Guidance for Industry and FDA Staff: Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products,'' dated February 25, 2009.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the definitions and regulatory requirements for hearing aids and PSAPs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm*. Guidance documents are also available at *http://www.regulations.gov*. To receive ''Regulatory Requirements for Hearing Aid Devices and Personal Sound Amplification Products'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1832 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 801 have been approved under OMB control number 0910–0485; and the collections of information in 21 CFR part 807 subpart E have been approved under OMB control number 0910–0120.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov*.

Dated: November 1, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–26691 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0567]

Design Considerations for Pivotal Clinical Investigations for Medical Devices; Guidance for Industry, Clinical Investigators, Institutional Review Boards and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Design Considerations for Pivotal Clinical Investigations for Medical Devices.'' This document is intended to provide guidance to those involved in designing clinical studies intended to support premarket submissions for medical devices and for FDA staff who review those submissions. This guidance document describes different study design principles relevant to the development of medical device clinical studies that can be used to fulfill premarket clinical data requirements.

DATES: Submit either electronic or written comments on this guidance at any time. General comments on agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the guidance document entitled ''Design Considerations for Pivotal Clinical Investigations for Medical Devices'' to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health (CDRH), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 4613, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to CDRH at 301–847–8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

For devices regulated by CDRH: Gregory Campbell, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 2110, Silver Spring, MD 20993–0002, 301–796–5750.

For devices regulated by CBER: Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

I. Background

The guidance document is intended to provide guidance to those involved in designing clinical studies that support premarket submissions for medical devices and FDA staff who review those submissions. Although the Agency has articulated policies related to design of studies intended to support specific device types, and a general policy of tailoring the evidentiary burden to the regulatory requirement, the Agency has not attempted to describe the different clinical study designs that may be appropriate to support a device premarket submission, or to define how a sponsor should decide which pivotal clinical study design should be used to support a submission for a particular device. The guidance document describes different study design principles relevant to the development of medical device clinical studies that can be used to fulfill premarket clinical data requirements. The guidance is not intended to provide a comprehensive tutorial on the best clinical and statistical practices for investigational medical device studies.

A medical device pivotal study is a definitive study in which evidence is gathered to support the safety and effectiveness evaluation of the medical device for its intended use. Evidence from one or more pivotal clinical studies generally serves as the primary basis for the determination of reasonable assurance of safety and effectiveness of the medical device of a premarket approval application (PMA) and FDA's overall risk-benefit assessment. In some cases, a PMA may include multiple studies designed to answer different scientific questions.

The guidance describes principles that should be followed for the design of premarket clinical studies that are pivotal in establishing the safety and effectiveness of a medical device. Practical issues and pitfalls in pivotal clinical study design are discussed, along with their effects on the conclusions that can be drawn from the studies concerning safety and effectiveness.

In the **Federal Register** of August 15, 2011 (76 FR 50484), FDA announced the availability of the draft guidance. Interested persons were invited to comment by November 14, 2011. FDA considered the comments and revised the guidance, as appropriate.

II. Significance of Guidance

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the Agency's current thinking on pivotal clinical investigations for medical devices. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by using the Internet. A search capability for all CDRH guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm* or *http://www.regulations.gov.* To receive ''Device Considerations for Pivotal Clinical Investigations for Medical Devices,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1776 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E have been approved under 0910–0120; the collections of information in 21 CFR part 812 have been approved under 0910–0078; the collections of information in 21 CFR part 814 have been approved under 0910–0231.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: November 1, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–26690 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on December 12, 2013, from 8 a.m. to 6:30 p.m.

Location: Hilton Washington DC North/Gaithersburg, Salons A, B, C, and D, 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301–977–8900.

Contact Person: Sara Anderson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, rm. 1643, Silver Spring, MD 20993, *Sara.Anderson@fda.hhs.gov,* 301 796–7047; or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC

area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On December 12, 2013, during Session I, the committee will discuss and make recommendations regarding the classification of spinal sphere devices. These devices are spheres manufactured from metallic (e.g., cobalt chromium molybdenum) or polymeric (e.g., polyetheretherketone) materials. They are intended to be inserted between the vertebral bodies into the disc space from L3–S1 to help provide stabilization and to help promote intervertebral body fusion. During the arthrodesis procedure, they are to be used with bone graft. These devices are not intended for use in motion-sparing, non-fusion procedures.

Spinal sphere devices are considered preamendment devices because they were in commercial distribution prior to May 28, 1976, when the Medical Device Amendments became effective. Spinal sphere devices are currently regulated under the heading of ''Intervertebral Fusion Device with Bone Graft, Solid-Sphere, Lumbar'', Product Code NVR, as unclassified devices and reviewed under the 510(k) premarket notification authority. FDA is seeking committee input on the safety and effectiveness of spinal sphere devices and the regulatory classification for spinal sphere devices.

On December 12, 2013, during Session II, the committee will discuss and make recommendations regarding the reclassification petition received on November 20, 2012, from DEKA Research & Development Corp. requesting that FDA reclassify stair climbing wheelchairs (21 CFR 890.3890) from Class III to Class II. A stair-climbing wheelchair is a device with wheels that is intended for medical purposes to provide mobility to persons restricted to a sitting position. The device is intended to climb stairs. On June 12, 2013 (78 FR 35173), FDA issued a proposed order which, if made final, would reclassify stair-climbing wheelchairs as Class II subject to premarket notification (510(k)) and special controls. The petitioner has one stair-climbing wheelchair approved, the iBot (P020033), and it is indicated for the following: to provide indoor and outdoor mobility in confined spaces, at an elevated height, climb curbs, ascend/descend stairs, traverse obstacles, travel over a wider variety of terrain, and negotiate uneven/inclined surfaces.

Stair-climbing wheelchairs are preamendment devices because they were in commercial distribution prior to May 28, 1976, when the Medical Device Amendments became effective. Stair-climbing wheelchairs are currently regulated as Class III devices. A call for premarket approval (PMA) applications was issued on April 13, 2000 (effective July 12, 2000) (65 FR 19834).

The committee's discussion will include recommendations regarding the regulatory classifications noted above. The committee will also discuss whether the proposed special controls are adequate to reasonably ensure the safety and effectiveness of stair-climbing wheelchairs.

On December 12, 2013, during Session III, the committee will discuss and make recommendations regarding the possible reclassification of mechanical wheelchairs (21 CFR 890.3850) from Class I, currently subject to premarket notification (510(k)), to Class II, subject to special controls. The mechanical wheelchairs are being considered for exemption from premarket notification (510(k)) requirements. A mechanical wheelchair is a manually operated device with wheels that is intended for medical purposes to provide mobility to persons restricted to a sitting position. No proposed order has been issued for this proposed change in classification.

Mechanical wheelchairs are preamendment devices because they were in commercial distribution prior to May 28, 1976, when the Medical Device Amendments became effective. Mechanical wheelchairs are currently regulated as Class I devices that are subject to premarket notification (510(k)) requirements (48 FR 53041).

The committee will discuss whether general and/or special controls are appropriate to demonstrate a reasonable assurance of safety and effectiveness of mechanical wheelchairs and whether, if reclassified to Class II, these devices should be exempt from premarket notification (510(k)) requirements.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before November 21, 2013. Oral presentations will be scheduled between approximately 9:15 a.m. and 9:35 a.m. for Session I and between approximately 2:40 p.m. and 3:20 p.m. for Session II and Session III. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of the proposed participants, and an indication of the approximate time requested to make their presentation on or before November 13, 2013. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 14, 2013.

Persons attending FDAs advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact James Clark, *James.Clark@fda.hhs.gov* or 301–796–5293, at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: November 4, 2013.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2013–26722 Filed 11–6–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: Scholarships for Disadvantaged Students Application and Performance Report (SDSPR); OMB No. 0915–0149—Revision

Abstract: The purpose of the Scholarships for Disadvantaged Students (SDS) Program is to promote diversity among health profession students and practitioners by providing funds to eligible schools to provide scholarships to full-time, financially needy students from disadvantaged backgrounds enrolled in health professions and nursing programs.

To qualify for participation in the SDS program, a school must be carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including students who are members of racial and ethnic minority groups (section 737(d)(1)(B) of the PHS Act). A school must meet the eligibility criteria to demonstrate that the program has achieved success based on the number and/or percentage of disadvantaged students who graduate from the school. In awarding SDS funds to eligible schools, funding points must be given to schools based on the proportion of graduate students practicing in primary care, the proportion of underrepresented minority students, and the proportion of graduates working in medically underserved communities (section 737(c) of the PHS Act).

Information collected from the SDS application and SDS report is needed by the Department to determine whether applicant schools meet the statutory and regulatory requirements, to determine eligibility for program participation, and to establish priority points for funding. Applicant schools are requested to complete an application for each discipline or program. Data are provided on numbers of full-time student enrollment and the applicant schools' racial/ethnicity data, disadvantaged full-time enrollment by class year, full-time students graduated, full-time disadvantaged students graduated, and full-time graduates serving in Medically Underserved Communities. Numbers of full-time graduates serving in primary care must be provided only for schools of medicine, osteopathic medicine, dentistry, nursing (graduate degree program), physician assistants, dental hygiene, and mental and behavioral health.

Each school will determine the eligibility of students based on financial need and whether a student is from a disadvantaged background.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
SDS Application Program Specific form	400	1	400	13	5,200
SDS Performance Report Form	99	1	99	24	2,376
Total	499		499		7,576

Dated: November 1, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–26692 Filed 11–6–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment request: Gulf Long-Term Follow-Up Study (GuLF STUDY)

Summary: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) The quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To Submit Comments and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Dale P. Sandler, Chief, Epidemiology Branch, NIEHS, Rall Building A3–05, P.O. Box 12233, Research Triangle Park, NC 27709 or call non-toll-free number 919–541–4668 or Email your request, including your address to: *Sandler@niehs.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Proposed Collection: Gulf Long-Term Follow-Up Study (GuLF STUDY), 0925–0626, Expiration Date 01/31/2014—REVISION, National Institute of Environmental Health Sciences (NIEHS), National Institutes of Health (NIH).

Need and Use of Information Collection:

The purpose of the GuLF STUDY is to investigate potential short- and long-term health effects associated with oil spill clean-up activities and exposures related to the Deepwater Horizon disaster, and to create a resource for additional collaborative research on focused hypotheses or subgroups. Exposures range from negligible to potentially significant; however, potential long-term human health consequences are largely unknown due to insufficient research in this area.

The study has enrolled 32,762 participants with a range of jobs/exposures, including participants who performed various types of clean-up-related work (''exposed'') and other who did not (''unexposed'' controls). Of the 32,762 enrolled into the Full Cohort, 20,000 have been assigned to the Active Follow-up Sub-cohort, and 6,000 of these have been assigned to the Biomedical Surveillance Sub-cohort.

In order to minimize loss to follow-up, updated contact information will be collected yearly for the Full Cohort. Follow-up questionnaires will be administered biennially to the Active Follow-up Sub-cohort to assess changes in health status and factors that could confound associations between exposures and outcomes. A supplemental mental health questionnaire will be administered repeatedly over a 2-year period to a subset of 4,600 participants in the Active Follow-up Sub-cohort to assess mental health trajectories among those affected by the oil spill and utilization of mental health services in the Gulf region. Participants in the Biomedical Surveillance Sub-cohort will be invited to take part in a comprehensive research-based clinical examination. The clinical exam provides an opportunity to carry out more comprehensive clinical testing and mental health evaluations than could be completed during the baseline home visit. The exams will allow for a much more in-depth assessment of pulmonary, neurological, and mental health outcomes that may be associated with the Deepwater Horizon oil spill exposures and experiences.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 21,724.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form/activity	Number of respondents	Number of responses per respondent	Average time per response (in hours)	Total burden hour (for 3 years)	Annualized burden hour
Cleanup and non-Cleanup Workers.	Annual Recontact Questionnaire.	32,762	3	15/60	24,572	8,191
Cleanup and non-Cleanup Workers.	Supplemental Mental Health Telephone Questionnaire.	4,600	4	15/60	4,600	1,533
Cleanup and non-Cleanup Workers.	Follow-up Telephone Questionnaire.	20,000	2	30/60	20,000	6,667
Cleanup and non-Cleanup Workers.	Clinical Exam	4,000	1	4	16,000	5,333

Dated: October 30, 2013.

Joellen M. Austin,

Associate Director for Management.

[FR Doc. 2013–26647 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, December 04, 2013, 01:00 p.m. to December 04, 2013, 02:30 p.m., NCI Shady Grove, 9609 Medical Center Drive, Room 7W110, Rockville, MD, 20850 which was published in the **Federal Register** on October 28, 2013, 78 FR 64222.

The meeting start time is changed from 1:00 p.m. to 2:00 p.m. and the end time is changed from 2:30 p.m. to 3:30 p.m. The meeting date and location remain the same. The meeting is closed to the public.

Dated: November 1, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26628 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communication Disorders Special Emphasis Panel; Hearing Clinical Trial Review.

Date: November 5, 2013.

Time: 11:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Christine A. Livingston, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Institutes of Health/NIDCD, 6001 Executive Blvd.—Room 8343, Bethesda, MD 20892, (301) 496–8683, *livingsc@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: November 1, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26629 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Drug Discovery for the Nervous System Study Section, October 17, 2013, 08:00 a.m. to October 17, 2013, 05:00 p.m., Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD, 21202 which was published in the **Federal Register** on September 25, 2013, 78 FR 186 Pgs. 59040–59041.

The meeting will be held at the Crowne Plaza Tyson Corner, 1960 Chain Bridge Rd., McLean, VA 22102. The meeting will start on November 18, 2013 at 8:00 a.m. and end November 18, 2013 at 7:30 p.m. The meeting is closed to the public.

Dated: November 1, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26624 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel, October 3, 2013, 08:00 a.m. to October 4, 2013, 05:00 p.m., The William F. Bolger Center 9600 Newbridge Drive, Potomac, MD 20854 which was published in the **Federal Register** on September 10, 2013, 78 FR 55268.

The notice is amended to change the date of the meeting from October 3–4, 2013 to November 21–22, 2013. The meeting is closed to the public.

Dated: November 1, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26621 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Musculoskeletal Rehabilitation Sciences Study Section, October 24, 2013, 08:00 a.m. to October 25, 2013, 06:00 p.m., Mayflower Park Hotel, 405 Olive Way, Seattle, WA, 98101 which was published in the **Federal Register** on October 01, 2013, 78 FR 190 Pgs. 60297–60299.

The meeting will be held at the Hilton Alexandria Old Town, 1767 King Street, Alexandria, VA 22314. The meeting will start on December 9, 2013 at 8:00 a.m. and end December 10, 2013 at 6:00 p.m.

The meeting is closed to the public.

Dated: November 1, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26626 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, October 03, 2013, 09:00 a.m. to October 03, 2013, 12:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 6W032, Rockville, MD, 20850 which was published in the **Federal Register** on August 28, 2013, 78FR53154.

Due to the absence of either an FY 2014 appropriation or Continuing Resolution for the Department of Health and Human Services, the meeting is rescheduled for December 3, 2013 from 8:00 a.m. to 11:00 a.m. The meeting location remains the same. The meeting is closed to the public.

Dated: November 1, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26627 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel ZRG1 MDCN–C (58), October 18, 2013, 08:00 a.m. to October 18, 2013, 05:00 p.m., Pier 5 Hotel, 711 Eastern Avenue, Baltimore, MD, 21202 which was published in the **Federal Register** on September 25, 2013, 78 FR 186 Pgs. 59040–59041.

The meeting will be held at the Crowne Plaza Tyson Corner, 1960 Chain Bridge Rd., McLean, VA 22102. The meeting will start on November 19, 2013 at 8:00 a.m. and end November 19, 2013 at 4:00 p.m. The meeting is closed to the public.

Dated: November 1, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26625 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel; Review of P01 Grant Application.

Date: November 21, 2013.

Time: 12:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Natcher Building, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert Horowits, Ph.D., Senior Investigator, National Institute of General Medical Sciences, National Institutes of Health, 45 Center Drive, Room 3An.18, Bethesda, MD 20892, 301–594–6904, *horowitr@mail.nih.gov.*

This meeting notice is being published less than 15 days in advance of the meeting due to the Government shutdown of October 2013.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: November 1, 2013.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26620 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR Panel: Chronic, Non-Communicable Diseases and Disorder Across the Lifespan: Fogarty International Research Training Award.

Date: November 15, 2013.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Rebecca Henry, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3222, MSC 7808, Bethesda, MD 20892, 301–435–1717, *henryrr@mail.nih.gov.*

This meeting notice is being published less than 15 days in advance of the meeting due to the Government shutdown of October 2013.

Name of Committee: Center for Scientific Review Special Emphasis Panel; SBIB Pediatric and Fetal Applications.

Date: December 4, 2013.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: John Firrell, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, MSC 7854, Bethesda, MD 20892, 301–435–2598, *firrellj@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Dermatology, Rheumatology and Inflammation.

Date: December 5, 2013.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Dermatology.

Date: December 5, 2013.

Time: 3:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Aruna K Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, 301–435–6809, *beheraak@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 1, 2013.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26623 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, NIDA, October 22, 2013, 08:00 a.m. to October 22, 2013, 06:00 p.m., Intramural Research Program, National Institute on Drug Abuse, NIH, Johns Hopkins Bayview Campus, Baltimore, MD, 21223 which was published in the **Federal Register** on September 10, 2013, 78, 175 FR2013–21947.

The date of the meeting is changed to December 19, 2013. The meeting is closed to the public.

Dated: November 1, 2013.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–26622 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Request for Information on the Office of Disease Prevention Draft Strategic Plan for Fiscal Years 2014–2018

SUMMARY: The purpose of this Request for Information (RFI) is to seek broad public input on the draft Strategic Plan for Fiscal Years (FY) 2014–2018 for the Office of Disease Prevention (ODP), National Institutes of Health (NIH).

DATES: To ensure consideration, responses must be received by November 22, 2013.

ADDRESSES: Comments must be submitted electronically using the web-based form available at *http://prevention.nih.gov/aboutus/strategic_plan/rfi.aspx.*

FOR FURTHER INFORMATION CONTACT: Please direct all inquiries to Wilma Peterman Cross, M.S.; Senior Public Health Advisor, Office of Disease Prevention,

National Institutes of Health; Phone: 301–496–1508; email: *prevention@mail.nih.gov.*

SUPPLEMENTARY INFORMATION: The mission of the ODP is to improve the public health by increasing the scope, quality, dissemination, and impact of prevention research supported by the NIH. The ODP fulfills this mission by providing leadership for the development, coordination, and implementation of prevention research in collaboration with NIH Institutes and Centers and other partners. The Office is responsible for advising the Director of the NIH regarding prevention research issues, actions, and activities. The Office also provides overall guidance to the NIH Institutes and Centers on biomedical programs that seek to improve the nation's health through research, training, knowledge translation, and public education as they relate to prevention.

Prevention research at the NIH encompasses both primary and secondary prevention. It includes research designed to promote health; to prevent onset of disease, disorders, conditions, or injuries; and to detect and prevent the progression of asymptomatic disease. Prevention research targets biology, individual behavior, factors in the social and physical environments, and health services and informs and evaluates health-related policies and regulations. Prevention research includes studies for:

- Identification and assessment of risk and protective factors;
- Screening and identification of individuals and groups at risk;
- Development and evaluation of interventions to reduce risk;
- Translation, implementation, and dissemination of effective preventive interventions into practice; and
- Development of methods to support prevention research.

Although established in 1986 in response to a directive in the Health Research Extension Act of 1985, the Office has never had a formal strategic plan. The ODP implemented an extensive and inclusive process to develop a strategic plan that would outline the priorities for the Office over the next five years and highlight the ODP's role in advancing prevention research at the NIH. Feedback was solicited from multiple stakeholder communities including academia, industry, health care professionals, patient advocates and advocacy organizations, scientific and professional organizations, federal agencies, and other interested members of the public. Based on this feedback, six strategic priorities were selected as the framework for the plan. The priorities represent the breadth of the ODP portfolio and allow for emerging areas of opportunity to be incorporated into Office activities.

Information Requested

This RFI is intended to gather broad public input on the ODP Draft Strategic Plan for FY 2014–2018. While feedback is welcome on any part of the draft document, comments on the six strategic priorities and related objectives are encouraged. The ODP invites input from prevention researchers in academia and industry, health care professionals, patient advocates and advocacy organizations, scientific or professional organizations, federal agencies, and other interested members of the public. Organizations are strongly encouraged to submit a single response that reflects the views of their organization and membership as a whole.

How To Submit a Response

To ensure consideration, responses must be received by November 22, 2013, and should be submitted electronically using the web-based form available at *http://prevention.nih.gov/aboutus/strategic_plan/rfi.aspx.* The web form will provide confirmation of response submission, but respondents will not receive individualized feedback. All respondents are encouraged to sign up for the ODP email list at *http://prevention.nih.gov/subscribe* to receive information related to Office activities, including updates on the development and release of the final strategic plan.

Responses to this RFI are voluntary and may be submitted anonymously. Please do not include any personally identifiable or other information that you do not wish to make public. Proprietary, classified, confidential, or sensitive information should not be included in responses. Comments submitted will be compiled for discussion and incorporated into the ODP strategic plan as appropriate. Any personal identifiers (personal names, email addresses, etc.) will be removed when responses are compiled.

This RFI is for informational and planning purposes only and is not a solicitation for applications or an obligation on the part of the U.S. government to provide support for any ideas identified in response to it. Please note that the U.S. government will not pay for the preparation of any information submitted or for use of that information.

Dated: October 31, 2013.

Francis S. Collins,

Director,

National Institutes of Health.

[FR Doc. 2013–26649 Filed 11–6–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0021]

Agency Information Collection Activities: Submission for Review; Information Collection Request for the Department of Homeland Security (DHS), Science and Technology, CyberForensics Electronic Technology Clearinghouse (CyberFETCH) Program

AGENCY: Science and Technology Directorate, DHS.

ACTION: 30-Day notice and request for comment.

SUMMARY: The Department of Homeland Security (DHS), Science & Technology (S&T) Directorate invites the general public to comment on data collection forms for the CyberForensics Electronic Technology Clearinghouse (CyberFETCH) program. CyberFETCH is responsible for providing a collaborative environment for cyber forensics practitioners from law enforcement, private sector and academia. This clearinghouse will enable its users to share information, best practices and lessons learned within a secure collaborative environment. In order for a user to access this clearinghouse, he/she must complete a registration form to establish a user account. The information collected is used by the DHS S&T CyberFETCH program to determine the authenticity and suitability of the practitioner requesting access. Once approved, users will utilize the collaborative environment to upload documents/resources, exchange information, network with other users, as well as post blogs and comments.

The DHS invites interested persons to comment on the following form and instructions (hereinafter ''Forms Package'') for the S&T CyberFETCH: 1) Request a CyberFETCH Account (DHS Form 10073). Interested persons may receive a copy of the Forms Package by contacting the DHS S&T PRA Coordinator. This notice and request for comments is required by the Paperwork Reduction Act of 1995 (P.L. 104–13, 44 U.S.C. chapter 35).

DATES: Comments are encouraged and will be accepted until December 9, 2013.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information. Comments should be addressed to: Megan Mahle the Department of Homeland Security, Science and Technology Directorate, and sent via electronic mail to *megan.mahle@hq.dhs.gov.* Please include docket number DHS–2013–0021 in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: DHS S&T PRA Megan Mahle (202) 254–2245 (Not a toll free number).

SUPPLEMENTARY INFORMATION: The 60-day notice and request for comment was published in the **Federal Register** on August 2, 2013. No comments on the collection instruments were received. The information will be collected via the DHS S&T CyberFETCH secure Web site at *http://www.cyberfetch.org/.* The CyberFETCH Web site will only employ secure web-based technology (i.e., electronic registration form) to collect information from users to both reduce the burden and increase the efficiency of this collection.

The Department is committed to improving its information collection and urges all interested parties to suggest how these materials can further reduce burden while seeking necessary information under the Paper Reduction Act.

DHS is particularly interested in comments that:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Suggest ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Suggest ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Renewal of a currently approved collection.

(2) *Title of the Form/Collection:* Science and Technology, CyberForensics Electronic Technology Clearinghouse (CyberFETCH) program.

(3) *Agency Form Number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Department of Homeland Security, Science & Technology Directorate—1) Request a CyberFETCH Account (DHS Form 10073).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals, consisting of federal, state and local law enforcement, private sector and academia practitioners. The information collected will be leveraged to determine the authenticity and suitability of the practitioner requesting access. Once approved, users will utilize the collaborative environment to upload documents/resources, exchange information, network with other users, as well as post blogs and comments.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

a. *Estimate of the total number of respondents:* 1000

b. *An estimate of the time for an average respondent to respond:* .25 burden hours.

c. *An estimate of the total public burden (in hours) associated with the collection:* 250 burden hours

Dated: September 27, 2013.

Rick Stevens,

Chief Information Officer for Science and Technology.

[FR Doc. 2013–26732 Filed 11–6–13; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2013–0071]

Homeland Security Science and Technology Advisory Committee (HSSTAC)

AGENCY: Science and Technology Directorate, DHS.

ACTION: Committee Management; Notice of Federal Advisory Committee Meeting.

SUMMARY: The Homeland Security Science and Technology Advisory Committee (HSSTAC) will meet on December 4–5, 2013, in Washington, DC The meeting will be open to the public.

DATES: The HSSTAC will meet Wednesday, December 4, 2013, 9:00 a.m.–4:00 p.m. and December 5, 2013 9:00 a.m.–4:30 p.m. The meeting may close early if the committee has completed its business.

ADDRESSES: The meeting will be held at the Department of Homeland Security

(DHS), Science and Technology Directorate, 1120 Vermont Avenue NW., (Room 5–212), Washington DC.

All visitors must pre-register and present a government-issued ID in order to gain entry to the building. To register, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, below. Please provide your name, citizenship, organization (if any), title (if any), email address (if any), and telephone number.

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact the person listed under **FOR FURTHER INFORMATION CONTACT,** below.

Materials that are provided to committee members will also be provided to the public, either at the meeting or on the public Web site mentioned below, or both. Check this Web site on the meeting dates: *http://www.dhs.gov/st-hsstac.* To facilitate public participation, we invite public comment on the issues to be considered by the committee as listed in the **SUPPLEMENTARY INFORMATION** below. Comments may be submitted orally, in writing, or both. If submitting in writing, please include the docket number (DHS–2013–0071) and submit via one of the following methods before December 2, 2013:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: mary.hanson@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 202–254–6176.
- *Mail:* Mary Hanson, HSSTAC Executive Director, Science and Technology Directorate, Department of Homeland Security, 245 Murray Lane, Bldg. 410, Washington, DC 20528

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number. Comments received will be posted without alteration at *http://www.regulations.gov,* including any personal information provided.

Docket: For access to the docket to read background documents or comments received by the HSSTAC, go to *http://www.regulations.gov* and type ''HSSTAC'' into the search function of the Web site.

A period is allotted for oral public comment on December 4 and 5, 2013, before any recommendations are formulated. Speakers are asked to pre-register and limit their comments to three minutes or less. Please note that the public comment period may end before the time indicated, following the last call for comments. To register as a speaker, contact the person listed below.

FOR FURTHER INFORMATION CONTACT: Mary Hanson, HSSTAC Executive Director, Science and Technology Directorate, Department of Homeland Security, 245 Murray Lane, Bldg. 410, Washington, DC 20528, 202–254–5866 (O), 202–254–5823 (F), *mary.hanson@hq.dhs.gov.*

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (Pub. L. 92–463). The HSSTAC was established and operates in accordance with the provisions of the FACA. The committee addresses areas of interest and importance to the Under Secretary for Science and Technology, such as new developments in systems engineering, cyber-security, knowledge management and how best to leverage related technologies funded by other federal agencies and by the private sector. It also advises the Under Secretary on policies, management processes, and organizational constructs as needed.

Agenda: Members will meet with the Acting Under Secretary and other executives of the DHS Science and Technology Directorate (DHS S&T) to hear updates, discuss areas of concern, and receive taskings. Agenda items on December 4 include an update on the status of the DHS Science and Technology Directorate (DHS S&T), a brief about the DHS S&T Resilient Systems Division, a discussion about industry engagement with DHS S&T, and a status report from the HSSTAC Task Force on Third Party Pre-Screening, followed by a public comment period, committee deliberations, and DHS taskings to the committee. The agenda on December 5 focuses solely on the interaction between DHS S&T and Customs and Border Protection (CBP). An official from CBP will first give a CBP overview, followed by a discussion among officials from CBP and DHS S&T about CBP's technology needs, how DHS S&T supports those needs, and how that support can be improved. A public comment period will follow the discussion. The committee will then deliberate, receive its tasking from DHS, and begin to develop written recommendations regarding how DHS S&T can better support CBP.

Dated: October 29, 2013.

Mary Hanson,

Executive Director, Homeland Security Science and Technology Advisory Committee.

[FR Doc. 2013–26605 Filed 11–6–13; 8:45 am]

BILLING CODE 9110–9F–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–541]

Trade Barriers That U.S. Small and Medium-Sized Enterprises Perceive as Affecting Exports to the European Union; Rescheduling of Washington, DC Public Hearing and Change in Dates for Filing Requests To Appear, Pre- and Post-Hearing Briefs, All Other Written Submissions, and for Transmittal of Final Report

AGENCY: United States International Trade Commission.

ACTION: Rescheduling of Washington public hearing and change in dates for filing requests to appear, pre- and post-hearing briefs, all other written submissions, and transmittal of the final report.

SUMMARY: Due to the lapse in appropriations and resulting furlough, the Commission has rescheduled the Washington, DC, public hearing in this investigation to 9:30 a.m. on November 20, 2013. The Commission has also changed the dates for filing requests to appear, pre-hearing briefs and post-hearing briefs relating to the Washington hearing; for filing all other written submissions, and for transmitting the final report to USTR. The Washington, DC, hearing was previously scheduled for October 8, 2013, with post-hearing briefs and all written submission due by October 15, 2013, and a transmittal date of January 31, 2014.

Revised Dates:

November 12, 2013: Deadline for filing requests to appear at Washington hearing.
November 13, 2013: Deadline for filing pre-hearing briefs and statements.
November 20, 2013: Public hearing.
December 2, 2013: Deadline for filing post-hearing briefs.
December 2, 2013: Deadline for filing all other written submissions.
February 28, 2014: Transmittal of Commission report to the USTR.

ADDRESSES: All written submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW., Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov/edis3-internal/app.*

FOR FURTHER INFORMATION CONTACT: Project Leader William Deese (202–205–2626 or *william.deese@usitc.gov*) or Deputy Project Leader Tamar Khachaturian (202–205–3299 or

tamar.khachaturian@usitc.gov) for information specific to this investigation. For information on the legal aspects of these investigations, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: The hearing relates to a report that the Commission is preparing at the request of the United States Trade Representative (USTR) under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). The USTR requested that the Commission prepare a report that catalogs trade barriers that U.S. small and medium-sized enterprises (SMEs) perceive as disproportionately affecting their exports to the EU, compared to those of larger U.S. exporters to the EU. In the request letter, the USTR stated that the United States, in the Transatlantic Trade and Investment Partnership (TTIP) negotiations with the European Union (EU), is seeking to strengthen the participation of SMEs in transatlantic trade and to address trade barriers that may disproportionately impact small businesses. The notice announcing the institution of this investigation and a hearing on October 8, 2013 was published in the **Federal Register** of July 30, 2013 (78 FR 45969); the notice is also posted on the Commission's Web site at *www.usitc.gov.* Due to the lapse in appropriations and resulting furlough, the hearing scheduled for October 8, 2013, did not take place.

Public Hearing: The rescheduled hearing will be held at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on November 20, 2013. Requests to appear at the public hearing should be filed with the Secretary, no later than 5:15 p.m., November 12, 2013, in accordance with the requirements in the ''Request to Appear'' section below. All pre-hearing briefs and statements should be filed no later than 5:15 p.m., November 13, 2013; and all post-hearing briefs and statements should be filed not later than 5:15 p.m., December 2, 2013. In the event that, as of the close of business on November 12, 2013, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after November 12, 2013, for information concerning whether the hearing will be held. All hourly times in this notice are eastern time.

Requests to Appear: Requests to appear at the hearing may be in the form of a letter, which should be on company or other appropriate stationery. Requests should identify the name, title, and company or other organizational affiliation (if any), address, telephone number, email address, and industry or main line of business of the company, if any, of the person signing the request letter and of the persons who plan to appear at the hearing. Requests to appear must be made by mail or delivered in person to the Commission's Office of the Secretary (see **ADDRESSES**), or in the alternative may be filed by email sent to *SMEHearing@usitc.gov.* The Commission does not accept requests filed by fax.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. Such submissions should be received no later than 5:15 p.m., December 2, 2013. All written submissions must conform to the provisions of section 201.8 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.8). Section 201.8 and the Commission's Handbook on Filing Procedures require that interested parties file documents electronically on or before the filing deadline and submit eight (8) true paper copies by 12:00 p.m. on the next business day. In the event that confidential treatment of a document is requested, interested parties must file, at the same time as the eight paper copies, at least four (4) additional true paper copies in which the confidential information must be deleted (see the following paragraph for further information regarding confidential business information). Persons with questions regarding electronic filing should contact the Secretary (202–205–2000).

Any submissions that contain confidential business information (CBI) must also conform to the requirements of section 201.6 of the *Commission's Rules of Practice and Procedure* (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

In the request letter, the USTR stated that the Office of the USTR intends to make the Commission's report available to the public in its entirety, and asked that the Commission not include any confidential business information or national security classified information in the report that the Commission sends to the USTR. Any confidential business information received by the Commission in this investigation and used in preparing this report will not be published in a manner that would reveal the operations of the firm supplying the information.

Issued: November 1, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–26619 Filed 11–6–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–845]

Certain Products Containing Interactive Program Guide and Parental Control Technology; Notice of the Commission's Final Determination Finding No Violation of Section 337; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in this investigation. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–5468. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its

Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 6, 2012, based on a complaint filed by Rovi Corporation; Rovi Guides, Inc.; Rovi Technologies Corporation; Starsight Telecast, Inc.; United Video Properties, Inc.; and Index Systems, Inc. (collectively, ''Complainants''). 77 FR 33487–88. The notice of investigation named LG Electronics, Inc.; LG Electronics U.S.A., Inc. (collectively, ''LGE''); Mitsubishi Electric Corp.; Mitsubishi Electric US Holdings, Inc.; Mitsubishi Electric and Electronics USA, Inc.; Mitsubishi Electric Visual Solutions America, Inc.; Mitsubishi Digital Electronics America, Inc. (collectively, ''Mitsubishi''); Netflix Inc. (''Netflix''); Roku, Inc. (''Roku''); and Vizio, Inc. (''Vizio'') as respondents. *Id.* The Office of Unfair Import Investigations did not participate in this investigation.

Originally, Complainants asserted numerous claims from seven patents against various respondents. Complainants later moved to terminate the investigation as to three of the seven patents, as to certain claims of one of the remaining four patents, and as to respondents LGE, Mitsubishi, and Vizio. Order No. 9 (Sept. 4, 2012), *not reviewed,* Oct. 2, 2012; Order No 16 (Nov. 6, 2012), *not reviewed,* December 7, 2012; Order Nos. 17 (Dec. 19, 2012) and 19 (Dec. 20, 2012), *not reviewed,* January 18, 2013; Order No. 21 (Jan. 22, 2013), *not reviewed* Feb. 13, 2013; Order Nos. 34 (Feb. 27, 2013) and 36 (Mar. 1, 2013), *not reviewed* (Mar. 22, 2013). Netflix and Roku (''Respondents'') remain in the investigation, as well as claims 1, 6, 13, and 17 of U.S. Patent No. 6,898,762 (''the '762 patent''), claims 13–20 of U.S. Patent No. 7,065,709 (''the '709 patent''); claims 1–3, 10, and 11 of U.S. Patent No. 7,103,906 (''the '906 patent''); and claims 1, 2, 4, 6, 14, 15, 17, and 19 of U.S. Patent No. 8,112,776 (''the '776 patent'').

On June 7, 2013, the presiding ALJ issued his final initial determination (''ID''), finding no violation of section 337. Specifically, the ALJ found that none of the accused products met the importation requirement of section 337. While the ALJ found that his importation finding was dispositive, he made additional findings in the event that the Commission determined that the importation requirement was met. The ALJ found that no party infringed any of the four asserted patents. He also found that the '776 patent is invalid as anticipated and obvious, but that Respondents had failed to show that the other three asserted patents were invalid. The ALJ found a domestic industry for articles protected by each of the patents-in-suit, but no domestic industry based on substantial investment in licensing the asserted patents. The ALJ also rejected Respondents' patent misuse, implied license, and patent exhaustion defenses.

On June 24, 2013, Complainants filed a petition for review challenging the ALJ's findings that the importation requirement is not met, that Netflix does not induce infringement, and that the economic prong of the domestic industry is not met by Complainants' licensing activity. That same day, Respondents filed a joint contingent petition for review arguing additional bases for finding no violation. On July 2, 2013, the parties filed oppositions to each other's petitions.

On August 9, 2013, the Commission determined to review the ID in its entirety. 78 FR 49766–67 (Aug. 15, 2013). The Commission requested written submissions from the parties on seven issues. It also requested submissions on remedy, bonding, and the public interest from the parties and the public. The Commission only received submissions from the Complainants and Respondents.

Having examined the record of this investigation, including the ALJ's final ID and the submissions from the parties, the Commission has determined that Complainants have not proven a violation of section 337. The Commission affirms with modified reasoning the ALJ's finding that the importation requirement is not met for all of the asserted patents. The Commission affirms with modified reasoning the ALJ's finding that the '762, '709, and '906 patents are valid but not infringed, and that the '776 patent is invalid and not infringed. The Commission also determines to modify the ALJ's claim construction regarding the order of steps of the asserted claims of the '709 patent, and, under the modified construction, reverses the ALJ's finding that Complainants have shown that the technical prong of the domestic industry requirement has been met for the '709 patent. The Commission also affirms the ALJ's findings that Complainants have shown that a domestic industry exists for the '762, '906, and '776 patents with respect to articles protected by the patents based on their investments in plant and equipment, labor and capital, research and development, and exploitation of engineering, as set forth in the ID. Accordingly, the Commission need not reach the issue of whether Complainants have also shown that a domestic industry exists based on substantial investments in licensing, and the Commission takes no position on the issue. The Commission also corrects a typographical error on page 49 of the ID. The citation CX–4481C at .10 is corrected to be CX–4145C at .9. All other findings in the ID that are consistent with the Commission's determinations are affirmed. A Commission Opinion will issue shortly.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.45, .49, and .50 of the Commission's Rules of Practice and Procedure (19 CFR 210.45, .49. and .50).

Issued: November 1, 2013.

By order of the Commission.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–26661 Filed 11–6–13; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–892]

Certain Point-to-Point Network Communication Devices and Products Containing the Same Notice of Amendment of the Complaint and Notice of Investigation; Termination of the Investigation as to Two Respondents

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 2) amending the complaint and notice of investigation in the above-captioned investigation. The amended complaint withdraws two respondents from the investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for

inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 9, 2013, based on a complaint filed by Straight Path IP Group, Inc., of Glen Allen, Virginia (''Straight Path''). 78 *FR* 55096 (Sept. 9, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. 1337, by reason of the infringement of certain claims from three United States Patents. The notice of institution named twenty-two respondents, including Sony Computer Entertainment America Inc. of Foster City, California (''SCEA Inc.'') and Sony Ericsson Mobile Communications (USA) Inc. of Atlanta, Georgia (''Sony Ericsson'').

On September 20, 2013, Straight Path filed an unopposed motion to amend the Complaint and Notice of Investigation to remove references to SCEA Inc. and Sony Ericsson. These respondents no longer exist as corporate entities and have been replaced by certain other entities, who are already respondents in the investigation. Order No. 2 at 1–2.

On September 23, 2013, the ALJ granted the motion as an ID. He found that good cause exists for the amendments. *Id.*

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in sections 210.14 and 210.42 of the Commission's Rules of Practice and Procedure (19 CFR 210.14, 210.42).

By order of the Commission.

Issued: November 4, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–26698 Filed 11–6–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0110]

Office of Community Oriented Policing Services; Agency Information Collection Activities: Revision of a Previously Approved Collection, With Change; Comments Requested COPS Grant Status Implementation Facsimile

ACTION: 60-Day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a previously approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until January 6, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* Status of Grant Implementation Template

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Under the Violent Crime and Control Act of 1994, the U.S. Department of Justice COPS Office would require the completion of the Status of COPS Grant Implementation Facsimile from law enforcement agencies if they have yet to send in their current Federal Financial Report (SF–425). This is to ensure that these agencies are planning on implementing their COPS grant program and/or project that they had previously been awarded.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 200 respondents annually will complete the form within 0.1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 20 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: November 4, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–26688 Filed 11–6–13; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0003]

Agency Information Collection Activities: Extension of a Currently Approved Collection; Annual Progress Report for the STOP Formula Grants Program

ACTION: 60-Day notice.

The Department of Justice, Office on Violence Against Women (OVW) will be

submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. Comments are encouraged and will be accepted for ''sixty days'' until January 6, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the 8 digit OMB number for the collection or the title of the collection. If you have questions concerning the collection, please Cathy Poston, Office on Violence Against Women, at 202–514–5430.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Annual Progress Report for the STOP Formula Grants Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0003. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 56 STOP state administrators (from 50 states, the District of Columbia and five territories and commonwealths (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands)) and their subgrantees. The STOP Violence Against Women Formula Grants Program was authorized through the Violence Against Women Act of 1994 (VAWA) and reauthorized and amended by the Violence Against Women Act of 2000 (VAWA 2000) and by the Violence Against Women Act of 2005 (VAWA 2005). Its purpose is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. The STOP Formula Grants Program envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. OVW administers the STOP Formula Grants Program. The grant funds must be distributed by STOP state administrators to subgrantees according to a statutory formula (as amended by VAWA 2000 and by VAWA 2005).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 56 respondents (STOP administrators) approximately one hour to complete an annual progress report. It is estimated that it will take approximately one hour for roughly 2500 subgrantees [1] to complete the relevant portion of the annual progress report. The Annual Progress Report for the STOP Formula Grants Program is divided into sections that pertain to the different types of activities that subgrantees may engage in and the different types of subgrantees that receive funds, i.e. law enforcement agencies, prosecutors' offices, courts, victim services agencies, etc.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the annual progress report is 2,556 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 1407B, Washington, DC 20530.

[1] Each year the number of STOP subgrantees changes. The number 2,500 is based on the number of reports that OVW has received in the past from STOP subgrantees.

Dated: November 4, 2013.

Jerrri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–26745 Filed 11–6–13; 8:45 am]

BILLING CODE 4410–FX–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OMB No. 1121–NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested Methodological Research To Support the National Crime Victimization Survey: Self-Report Data on Rape and Sexual Assault—Pilot Test

ACTION: 30-day notice.

The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 159, page 50111 on Friday August 16, 2013 allowing for a 60 day comment period. No comments were received in response to the information provided.

The purpose of this notice is to allow for an additional 30 days for public comment until December 9, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden or associated response time, should be directed to The Officer of Management and Budget, Officer of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

Overview of this information collection:

(1) Type of information collection: New collection under activities related to the National Crime Victimization Survey Redesign Research (NCVS–RR) program: Methodological Research to Support the National Crime Victimization Survey: Self-Report Data on Rape and Sexual Assault—Pilot Test.

(2) Title of the Form/Collection: National Survey on Health and Safety (NSHS).

(3) Agency form number, if any, and the applicable component of the department sponsoring the collection: NSHS1; NSHS2; NSHS3; and NSHS4, Bureau of Justice Statistics, Office of Justice Programs, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: Females ages 18 or older in 5 Core Based Statistical Areas (CBSAs) in the United States. These CBSAs include—

- New York-Northern New Jersey-Long Island, NY–NJ–PA;
- Los Angeles-Long Beach-Santa Ana, CA;
- Miami-Fort Lauderdale-Pompano Beach, FL;
- Dallas-Fort Worth-Arlington-TX; and
- Phoenix-Mesa-Glendale, AZ.

The NSHS will test alternative survey methods for measuring rape and sexual assault and develop improved collection procedures for these crimes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

- Approximately 50 victim service agencies, and 100 universities and colleges will be contacted to serve as liaisons between potential respondents about the survey. The average length of contact with these agencies is approximately 120 minutes per agency for a total of 300 burden hours.
- Approximately, 76,740 households will be contacted to screen for eligible participants. The expected burden placed on these households is 4 minutes per household for a total of 5,116 burden hours.
- Approximately 19,320 females ages 18 or older will be interviewed for eligibility in the NSHS. The majority of respondents, approximately 17,968 (93%), will be administered only the screening portion of the NSHS which is designed to filter out those females who have not experienced rape or sexual assault. The expected burden placed on these respondents is 18 minutes per respondent for a total of 5,796 burden hours.
- The complement of this group of respondents will be 1,352 (7%) identified victims of rape or sexual assault. The expected burden placed on these respondents is 15 minutes for a total of 338 burden hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total respondent burden is approximately 11,867 hours.

If additional information is required contact Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: November 4, 2013.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2013–26687 Filed 11–6–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

Exemptions From Certain Prohibited Transaction Restrictions

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Grant of individual exemptions.

SUMMARY: This document contains exemptions issued by the Department of Labor (the Department) from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue Code of 1986 (the Code). This notice includes the following: 2013–10, UBS AG and Its Current and Future Affiliates and Subsidiaries, D–11506; 2013–11, Wells Fargo Bank, N.A., D–11640; 2013–12, Sears Holding Savings Plan, Sears Holdings Puerto Rico Savings Plan and the Lands' End, Inc. Retirement Plan, D–11739, D–11740, and D–11741; 2013–13, American International Group, Inc. Incentive Savings Plan, American General Agents' & Managers' Thrift Plan, and Chartis Insurance Company-Puerto Rico Capital Growth Plan, D–11767, D–11768 and D–11769.

SUPPLEMENTARY INFORMATION: A notice was published in the **Federal Register** of the pendency before the Department of a proposal to grant such exemption. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Department in Washington, DC The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held (where appropriate). The applicant has represented that it has complied with the requirements of the notification to interested persons. No requests for a hearing were received by the Department. Public comments were received by the Department as described in the granted exemption.

The notice of proposed exemption was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

Statutory Findings

In accordance with section 408(a) of the Act and/or section 4975(c)(2) of the Code and the procedures set forth in 29 CFR Part 2570, Subpart B (76 FR 66637, 66644, October 27, 2011) [1] and based upon the entire record, the Department makes the following findings:

(a) The exemption is administratively feasible;

(b) The exemption is in the interests of the plan and its participants and beneficiaries; and

[1] The Department has considered exemption applications received prior to December 27, 2011 under the exemption procedures set forth in 29 CFR Part 2570, Subpart B (55 FR 32836, 32847, August 10, 1990).

(c) The exemption is protective of the rights of the participants and beneficiaries of the plan.

UBS AG and Its Current and Future Affiliates and Subsidiaries (Collectively, UBS) Located in New York, New York [Prohibited Transaction Exemption 2013–10; Exemption Application No. D–11506]

Exemption

Section I. Sales of Auction Rate Securities From Plans to UBS: Unrelated to a Settlement Agreement

The restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of the Act and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D), and (E) of the Code, shall not apply, effective February 1, 2008, to the sale by a Plan (as defined in section V(e)) of an Auction Rate Security (as defined in section V(c)) to UBS, where such sale (an Unrelated Sale) is unrelated to, and not made in connection with, a Settlement Agreement (as defined in section V(f)), provided that the conditions set forth in Section II have been met.

Section II. Conditions Applicable to Transactions Described in Section I

(a) The Plan acquired the Auction Rate Security in connection with brokerage or advisory services provided by UBS;

(b) The last auction for the Auction Rate Security was unsuccessful;

(c) Except in the case of a Plan sponsored by UBS for its own employees (a UBS Plan), the Unrelated Sale is made pursuant to a written offer by UBS (the Unrelated Offer) containing all of the material terms of the Unrelated Sale, including, but not limited to, the most recent rate information for the Auction Rate Security (if reliable information is available). Either the Unrelated Offer or other materials available to the Plan provide the identity and par value of the Auction Rate Security. Notwithstanding the foregoing, in the case of a pooled fund maintained or advised by UBS, this condition shall be deemed met to the extent each Plan invested in the pooled fund (other than a UBS Plan) receives written notice regarding the Unrelated Sale, where such notice contains the material terms of the Unrelated Sale (including, but not limited to, the material terms described in the preceding sentence);

(d) The Unrelated Sale is for no consideration other than cash payment against prompt delivery of the Auction Rate Security;

(e) The sales price for the Auction Rate Security is equal to the par value of the Auction Rate Security, plus any accrued but unpaid interest or dividends; [2]

(f) The Plan does not waive any rights or claims in connection with the Unrelated Sale;

(g) The decision to accept the Unrelated Offer or retain the Auction Rate Security is made by a Plan fiduciary or Plan participant or beneficial owner of an individual retirement account (an IRA, as described in section V(e) below) who is independent (as defined in section V(d)) of UBS. Notwithstanding the foregoing: (1) in the case of an IRA, which is beneficially owned by an employee, officer, director or partner of UBS, or a relative of any such persons, the decision to accept the Unrelated Offer or retain the Auction Rate Security may be made by such employee, officer, director or partner; or (2) in the case of a UBS Plan or a pooled fund maintained or advised by UBS, the decision to accept the Unrelated Offer may be made by UBS after UBS has determined that such purchase is in the best interest of the UBS Plan or pooled fund; [3]

(h) Except in the case of a UBS Plan or a pooled fund maintained or advised by UBS, neither UBS nor any affiliate exercises investment discretion or renders investment advice within the meaning of 29 CFR 2510.3–21(c) with respect to the decision to accept the Unrelated Offer or retain the Auction Rate Security;

(i) The Plan does not pay any commissions or transaction costs with respect to the Unrelated Sale;

(j) The Unrelated Sale is not part of an arrangement, agreement or understanding designed to benefit a party in interest to the Plan;

(k) UBS and its affiliates, as applicable, maintain, or cause to be maintained, for a period of six (6) years from the date of the Unrelated Sale, such records as are necessary to enable the persons described below in paragraph (l)(1), to determine whether the conditions of this exemption, if granted, have been met, except that—

(1) No party in interest with respect to a Plan which engages in an Unrelated Sale, other than UBS and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained, or not available for examination, as required, below, by paragraph (l)(1); and

(2) A separate prohibited transaction shall not be considered to have occurred solely because, due to circumstances beyond the control of UBS or its affiliates, as applicable, such records are lost or destroyed prior to the end of the six-year period;

(l)(1) Except as provided below in paragraph (l)(2), and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to above in paragraph (k) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the U.S. Securities and Exchange Commission; or

(B) Any fiduciary of any Plan, including any IRA owner, that engages in a Sale, or any duly authorized employee or representative of such fiduciary; or

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a Plan that engages in the Unrelated Sale, or any authorized employee or representative of these entities;

(2) None of the persons described above in paragraph (l)(1)(B)–(C) shall be authorized to examine trade secrets of UBS, or commercial or financial information which is privileged or confidential; and

(3) Should UBS refuse to disclose information on the basis that such information is exempt from disclosure, UBS shall, by the close of the thirtieth (30th) day following the request,

[2] This exemption does not address tax issues. The Department has been informed by the Internal Revenue Service and the Department of the Treasury that they are considering providing limited relief from the requirements of sections 72(t)(4), 401(a)(9), and 4974 of the Code with respect to retirement plans that hold Auction Rate Securities. The Department has also been informed by the Internal Revenue Service that if Auction Rate Securities are purchased from a Plan in a transaction described in sections I and III at a price that exceeds the fair market value of those securities, then the excess value would be treated as a contribution for purposes of applying applicable contribution and deduction limits under sections 219, 404, 408, and 415 of the Code.

[3] The Department notes that the Act's general standards of fiduciary conduct also would apply to the transactions described herein. In this regard, section 404 requires, among other things, that a fiduciary discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent manner. Accordingly, a plan fiduciary must act prudently with respect to, among other things, the decision to sell the Auction Rate Security to UBS for the par value of the Auction Rate Security, plus any accrued but unpaid interest or dividends. The Department further emphasizes that it expects Plan fiduciaries, prior to entering into any of the proposed transactions, to fully understand the risks associated with this type of transaction following disclosure by UBS of all relevant information.

provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

Section III. Sales of Auction Rate Securities From Plans to UBS: Related to a Settlement Agreement

The restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of ERISA and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply, effective February 1, 2008, to the following transactions: (a) The acquisition by a Plan, as described in section V(e), of certain rights issued to owners of Auction Rate Securities by UBS AG (ARS Rights) in connection with a Settlement Agreement, (b) the sale of an Auction Rate Security to UBS pursuant to such ARS Rights, where such sale (a Settlement Sale) is related to, and made in connection with, a Settlement Agreement, and (c) the sale of an Auction Rate Security to UBS where such sale is made pursuant to Section 15 of the Texas Settlement Agreement (the Section 15 Texas Settlement Sale), provided that the conditions set forth in Section IV below are met.

Section IV. Conditions Applicable to Transactions Described in Section III

(a) The terms and delivery of the offer of ARS Rights (the ARS Rights Offer) are consistent with the requirements set forth in the Settlement Agreement;

(b) UBS sends notice of the ARS Rights Offer to the Plans, including an explanatory cover letter and prospectus for the ARS Rights under the Securities Act of 1933 (the Securities Act), as amended. Notwithstanding the above, notice is not required to be sent to the underlying investors in pooled funds maintained or advised by UBS (but shall be provided to the pooled funds);

(c) Under the terms of the ARS Rights Offer, over certain periods of time described below (the Exercise Periods), Eligible Customers who accept the ARS Rights Offer are entitled to put (i.e., sell), for par value (plus accrued but unpaid interest or dividends), any of their Auction Rate Securities to UBS at a time of their choosing, and UBS is entitled to call any of those Auction Rate Securities at any time, for par value (plus accrued but unpaid interest or dividends).

(d) Eligible Customers holding ARS Rights who validly accept the ARS Rights Offer will grant to UBS the sole discretion and right to sell or otherwise dispose of, and/or enter orders in the auction process with respect to, the Eligible Customers' eligible Auction Rate Securities on their behalf until the expiration date of the related ARS Right, without prior notification, so long as the Eligible Customers receive a payment of par plus accrued but unpaid interest or dividends upon any sale or disposition;

(e) Plans pay no commissions or transaction costs in connection with the acquisition of ARS Rights;

(f) In the case of a UBS Plan or pooled fund advised by UBS, the decision to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS or, under the Texas Settlement, sell the Auction Rate Securities to UBS, may be made by UBS after UBS has determined that such transaction is in the best interest of the UBS Plan or pooled fund.

(g) In the case of an IRA owned by an employee, officer, director or partner of UBS or a relative of any such persons, the IRA owner makes an independent determination whether to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS or, under the Texas Settlement, sell the Auction Rate Securities to UBS;

(h) In the case of Plans not described in paragraph IV(f) or IV(g) above, a person independent of UBS makes the determination whether to accept the ARS Rights Offer and any subsequent decision to put Auction Rate Securities to UBS during the applicable Exercise Period or, under the Texas Settlement, sell the Auction Rate Securities to UBS, except with respect to permitted calls under the ARS Rights, consistent with a registration statement under the Securities Act, as amended;

(i) The ARS Rights Offer, or other documents available to the Plan, specifically describe, among other things:

(1) How a Plan may determine: the Auction Rate Securities held by the Plan with UBS, the purchase dates for the Auction Rate Securities, and (if reliable information is available) the most recent rate information for the Auction Rate Securities;

(2) The number of shares and par value of the Auction Rate Securities available for purchase under the ARS Rights Offer;

(3) The background of the ARS Rights Offer;

(4) That participating in the ARS Rights Offer will not result in or constitute a waiver of any claim of the tendering Plan;

(5) The methods and timing by which Plans may accept the ARS Rights Offer;

(6) The purchase dates, or the manner of determining the purchase dates, for Auction Rate Securities tendered pursuant to the ARS Rights Offer;

(7) The timing for acceptance by UBS of tendered Auction Rate Securities;

(8) The timing of payment for Auction Rate Securities accepted by UBS for payment;

(9) The expiration date of the ARS Rights Offer;

(10) The fact that UBS may make purchases of Auction Rate Securities outside of the ARS Rights Offer and may otherwise buy, sell, hold or seek to restructure, redeem or otherwise dispose of the Auction Rate Securities;

(11) A description of the risk factors relating to the ARS Rights Offer as UBS deems appropriate;

(12) How to obtain additional information concerning the ARS Rights Offer; and

(13) The manner in which information concerning material amendments or changes to the ARS Rights Offer will be communicated to affected Plans;

(j) The terms of any Settlement Sale or Section 15 Texas Settlement Sale are consistent with the requirements set forth in the applicable Settlement Agreement and, where applicable, the terms set forth in the ARS Rights prospectus.

(k) All of the conditions in Section II have been met with respect to the ARS Rights Offer; and

(l) All of the conditions in Section 15 of the Texas Settlement Agreement have been met with respect to any Section 15 Texas Settlement Sale.

Section V. Definitions

For purposes of this exemption:

(a) The term affiliate means: Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(b) The term control means: The power to exercise a controlling influence over the management or policies of a person other than an individual;

(c) The term Auction Rate Security means a security that:

(1) Is either a debt instrument (generally with a long-term nominal maturity) or preferred stock; and

(2) Has an interest rate or dividend that is reset at specific intervals through a Dutch Auction process;

(d) A person is independent of UBS if the person is:

(1) Not UBS or an affiliate; and

(2) not a relative (as defined in ERISA section 3(15)) of the party engaging in the transaction;

(e) The term Plan means: an individual retirement account or similar account described in section 4975(e)(1)(B) through (F) of the Code (an

IRA); an employee benefit plan as defined in section 3(3) of ERISA; or an entity holding plan assets within the meaning of 29 CFR 2510.3–101, as modified by ERISA section 3(42); and

(f) The term Settlement Agreement means: A written legal settlement agreement involving UBS and a U.S. state or federal authority (a Settlement) that provides for the purchase of an Auction Rate Security by UBS from a Plan and/or the issuance of ARS Rights.

Effective Date: This exemption is effective as of February 1, 2008.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published on July 22, 2013, at 78 FR 43930.

Written Comments

During the comment period, the Department received one written comment (the Comment) from UBS with respect to the notice of proposed exemption (the Proposed Exemption) and no requests for a public hearing. The Comment is intended to clarify certain requirements in sections III and IV of the Proposed Exemption. UBS's Comment and the Department's responses are described below.

1. *Section III Requirement that the Conditions in Section IV Be Met.* UBS believes that the proviso at the end of Section III(c) of the Proposed Exemption (on page 43932), which reads, ''provided that the conditions set forth in Section IV below are met,'' may be understood in that context to require that the conditions of Section IV apply only to the transactions described in Section III(c), rather than to each of the three types of transactions described in Section III. Therefore, in order to clarify that all transactions described in Section III must meet the conditions set forth in Section IV in order to be covered by the Proposed Exemption, UBS requests: (i) that certain language in Section III, which reads, ''If the proposed exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of ERISA and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply, effective February 1, 2008, to the following transactions'' be revised to read, ''If the proposed exemption is granted, the restrictions of section 406(a)(1)(A) and (D) and section 406(b)(1) and (2) of ERISA and the taxes imposed by section 4975 of the Code, by reason of section 4975(c)(1)(A), (D) and (E) of the Code, shall not apply, effective February 1, 2008, to the transactions described herein if the conditions set forth in Section IV are met'' and (ii) that the aforementioned proviso in Section III(c) be removed.

In response to this comment, the Department has made the requested revisions in order to clarify that the conditions of Section IV apply to all of the transactions described in Section III.

2. *Notice Requirement in Section IV(b).* UBS reads the condition in Section IV(b) of the Proposed Exemption, as currently written, to require that notice of the ARS Rights Offer be sent to all Plans as defined in Section V of the Proposed Exemption. As the provision relates to ARS Rights under particular Settlement Agreements, UBS suggests that it would be more accurate to require that the notice be sent to all plans as required by the applicable Settlement Agreements. Accordingly, UBS requests that the first sentence in Section IV(b), which reads, ''UBS sends notice of the ARS Rights Offer to the Plans, including an explanatory cover letter and prospectus for the ARS Rights under the Securities Act of 1933 (the Securities Act), as amended'' be revised to read, ''UBS sends notice of the ARS Rights Offer to the plans identified in the applicable Settlement Agreement, including an explanatory cover letter and prospectus for the ARS Rights under the Securities Act of 1933 (the Securities Act), as amended.''

In response to this comment, the Department has made the requested revision to Section IV(b) of the Proposed Exemption to clarify the meaning of this condition and to avoid any implication that notice must be sent to any plans other than those identified under the terms of the applicable Settlement Agreement.

Accordingly, after giving full consideration to the entire record, including the Comment, the Department has determined to grant the exemption as modified herein.

For further information regarding the Comment and other matters discussed herein, Interested Persons are encouraged to obtain copies of the exemption application file (Exemption Application No. D–11506) the Department is maintaining in this case. The complete application file, as well as all supplemental submissions received by the Department, are made available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

Wells Fargo Bank, N.A. (the Bank) Located in Sioux Falls, South Dakota [Prohibited Transaction Exemption 2013–11; Exemption Application No. D–11640]

Exemption

The restrictions of sections 406(a)(1)(A), 406(a)(1)(D), 406(b)(1), and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code,[4] by reason of section 4975(c)(1)(A), (D), and (E) of the Code, shall not apply, effective September 8, 2009, to the cash sale by four employee benefit plans (the Plans), whose assets were invested in the Bank's collateral pools (the Collateral Pools), of certain interests (the Interests) in two medium-term notes (the Notes), for the aggregate purchase price (the Purchase Price) of $375,182, to the Bank, a party in interest with respect to the Plans.

This exemption is subject to the following conditions:

(a) The sale was a one-time transaction for cash;

(b) Each Plan received an amount which was equal to the greater of either: (1) The current cost of its Interests in the Notes (i.e., the original purchase price less distributions received by the Plan through the purchase date); or (2) the fair market value of its Interests in the Notes, as determined by a valuation of the underlying assets performed by Stone Tower Debt Advisors LLC, an unrelated party, there being no market for the Notes at the time of sale;

(c) The Plans did not pay any commissions or other expenses in connection with the sale;

(d) The Bank, in its capacity as securities lending agent and manager of the Collateral Pools, determined that the sale of the Plans' Interests in the Notes was appropriate for and in the interests of the Plans at the time of the transaction;

(e) The Bank took all appropriate actions necessary to safeguard the interests of the Plans in connection with the transaction, given that the Plans were not eligible to participate in an exchange offer (the Exchange Offer) and the Purchase Price was substantially higher than the fair market value of the Plans' Interests in the Notes;

(f) If the exercise of any of the Bank's rights, claims or causes of action in connection with its ownership of the Notes (including the notes received in

[4] For purposes of this exemption, references to section 406 of the Act should be read to refer as well to the corresponding provisions of section 4975 of the Code.

the Exchange Offer) results in the Bank recovering from Stanfield Victoria Finance Ltd., the issuer of the Notes, or any third party, an aggregate amount that is more than the sum of:

(1) The Purchase Price paid by the Bank to the Plans for the Interests in the Notes; and

(2) The interest that would have been payable on the Notes from and after the date the Bank purchased the Plans' Interests in the Notes, at the rate specified in the Notes, the Bank will refund such excess amounts promptly to the Plans (after deducting all reasonable expenses incurred in connection with the recovery);

(g) The Bank and its affiliates, as applicable, maintain, or cause to be maintained, for a period of six (6) years from the date of any covered transaction such records as are necessary to enable the persons described below in paragraph (h)(i), to determine whether the conditions of this exemption have been met, except that—

(1) No party in interest with respect to a Plan which engages in the covered transaction, other than the Bank and its affiliates, as applicable, shall be subject to a civil penalty under section 502(i) of the Act or the taxes imposed by section 4975(a) and (b) of the Code, if such records are not maintained, or not available for examination, as required, below, by paragraph (h)(i); and

(2) A separate prohibited transaction shall not be considered to have occurred solely because, due to circumstances beyond the control of the Bank or its affiliate, as applicable, such records are lost or destroyed prior to the end of the six-year period.

(h)(1) Except as provided, below, in paragraph (h)(2), and notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the Act, the records referred to, above, in paragraph (g) are unconditionally available at their customary location for examination during normal business hours by—

(A) Any duly authorized employee or representative of the Department, the Internal Revenue Service, or the Securities Exchange Commission; or

(B) Any fiduciary of any plan that engages in the covered transaction, or any duly authorized employee or representative of such fiduciary; or

(C) Any employer of participants and beneficiaries and any employee organization whose members are covered by a plan that engages in the covered transaction, or any authorized employee or representative of these entities; or

(D) Any participant or beneficiary of a plan that engages in the covered transaction, or duly authorized employee or representative of such participant or beneficiary;

(ii) None of the persons described above, in paragraph (h)(1)(B)–(D) shall be authorized to examine trade secrets of the Bank and its affiliates, as applicable, or commercial or financial information which is privileged or confidential; and

(E) Should the Bank and its affiliates, as applicable, refuse to disclose information on the basis that such information is exempt from disclosure, the Bank and its affiliates, as applicable, shall, by the close of the thirtieth (30th) day following the request, provide a written notice advising that person of the reasons for the refusal and that the Department may request such information.

Effective Date: This exemption is effective as of September 8, 2009.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and/or requests for a public hearing on the proposed exemption within 35 days of the date of the publication of the Notice in the **Federal Register** on July 9, 2013. All comments and requests for a hearing were due by August 13, 2013.

During the comment period, the Department received no comments and no request for a hearing. Accordingly, after giving full consideration to the entire record, the Department has decided to grant the exemption. The complete application file (Application No. D–11640), and all supplemental submissions received by the Department, are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the notice of proposed exemption published in the **Federal Register** on July 9, 2013, at 78 FR 41101.

FOR FURTHER INFORMATION CONTACT: Ms. Anna Mpras Vaughan of the Department, telephone (202) 693–8565. (This is not a toll-free number.)

Sears Holdings Savings Plan (the Savings Plan), Sears Holdings Puerto Rico Savings Plan (the PR Plan), and The Lands' End, Inc. Retirement Plan (the Lands' End Plan) (Collectively, the Plans) Located in Hoffman Estates, IL and Dodgeville, WI [Prohibited Transaction Exemption 2013–12; Exemption Application Nos. D–11739, D–11740, and D–11741]

Exemption

Section I. Transactions

Effective for the period beginning September 7, 2012 and ending October 8, 2012:

(a) The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2), and 407(a)(1)(A) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) and 4975(c)(1)(E) of the Code,[5] shall not apply:

(1) To the acquisition of certain subscription right(s)(the Right or Rights) by the Savings Plan and the Lands' End Plan from Sears Holdings Corporation (Holdings) in connection with an offering (the Offering) by Holdings of shares of common stock (SHO Stock) in Sears Hometown and Outlet Stores, Inc. (SHO); and

(2) To the holding of the Rights by the Savings Plan and the Lands' End Plan during the subscription period of the Offering; provided that the conditions as set forth, below, in Section II of this exemption were satisfied for the duration of the acquisition and holding.

(b) The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2), and 407(a)(1)(A) of the Act[6] shall not apply:

(1) To the acquisition of the Rights by the PR Plan from Holdings in connection with the Offering by Holdings of the SHO Stock; and

(2) To the holding of the Rights by the PR Plan during the subscription period of the Offering; provided that the conditions as set forth, below, in Section II of this exemption were satisfied for the duration of the acquisition and holding.

[5] For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[6] It is represented that the fiduciaries of the PR Plan have not made an election under section 1022(i)(2) of the Act, whereby such plan would be treated as a trust created and organized in the United States for purposes of tax qualification under section 401(a) of the Code. Further, it is represented that jurisdiction under Title II of the Act does not apply to the PR Plan. Accordingly, the Department, herein, is not providing any relief for the prohibitions, as set forth in Title II of the Act, for the acquisition and holding of the Rights by the PR Plan.

Section II. Conditions

(a) The receipt of the Rights by the Plans occurred in connection with the Offering in which all shareholders of the common stock of Holdings (Holdings Stock), including the Plans, were treated in the same manner;

(b) The acquisition of the Rights by the Plans resulted solely from an independent act of Holdings, as a corporate entity;

(c) Each shareholder of Holdings Stock, including each of the Plans, received the same proportionate number of Rights based on the number of shares of Holdings Stock held by each such shareholder;

(d) All decisions with regard to the holding and disposition of the Rights by the Plans were made by an independent qualified fiduciary (the I/F);

(e) The I/F determined that it would be in the interest of the Plans to sell all of the Rights received in the Offering by the Plans in blind transactions on the NASDAQ Capital Market; and

(f) No brokerage fees, commissions, subscription fees, or other charges: were paid by the Plans with respect to the acquisition and holding of the Rights; or were paid to any broker affiliated with the I/F, Holdings, or SHO in connection with the sale of the Rights.

Effective Date: This exemption is effective for the Offering period, beginning September 7, 2012 and ending October 8, 2012.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and requests for a hearing within forty-five (45) days of the date of the publication of the Notice in the **Federal Register** on July 9, 2013. All comments and requests for a hearing were due initially by August 23, 2013. With the Department's permission, the comment period was extended to September 6, 2013, to allow Holdings (the Applicant) additional time to ascertain the appropriate method of providing notice to a group of employees whose addresses had previously generated return mail to the Applicant.

During the comment period, the Department received no requests for hearing. The Department did receive approximately forty-nine (49) telephone calls from interested persons, none of which raised substantive issues with respect to the transactions that are the subject of this exemption.

The only written comment received by the Department during the comment period was submitted by the Applicant. The comment letter, dated September 6, 2013, incorporated comments from the I/F, Evercore Trust Company, N.A.

In the comment letter, the Applicant requests the following clarifications/corrections to the Summary of Facts and Representations section of the Notice.

1. *Scope of Participation in the Plans.* In the first paragraph in Representation 1, the Applicant requests that the sentence, ''Employees of Holdings and its affiliates participate in the Plans,'' be revised to read: ''Employees of certain affiliates of Holdings participate in the Plans.''

In addition, in the first paragraph of Representation 2, the Applicant requests that the sentence, ''Sears, Roebuck and Co. (Sears Roebuck) and all of its wholly-owned (direct and indirect) subsidiaries (except Lands' End Inc. (Lands' End)) and Sears Holdings Management Corporation, with respect to certain employees, have adopted the Savings Plan and are employers under such plan,'' be revised to read: ''Sears, Roebuck and Co. (Sears Roebuck) and all of its wholly-owned (direct and indirect) subsidiaries (except Lands' End Inc. (Lands' End) and Sears de Puerto Rico, Inc.), Kmart Holding Corporation and its wholly-owned (direct and indirect) subsidiaries (excluding employees residing in Puerto Rico), and Sears Holdings Management Corporation, with respect to certain employees, have adopted the Savings Plan and are employers under such plan.''

2. *Participants Holding Employer Stock.* In the second paragraph of Representation 2, the Applicant wishes to clarify that the number of participants holding employer stock in the Savings Plan on the Record Date was 24,015, rather than 25,015. Also, the Applicant states that the number of participants listed in Representations 2, 3, and 4 of the Notice represents the number of participants in each plan holding employer stock as of the Record Date, rather than the number of participants in each plan.

3. *The PR Plan.* With respect to Representation 3 of the Notice, the Applicant wishes to clarify that while the PR Plan is now sponsored and maintained by Holdings, it was originally established by Sears Roebuck, covers employees of Sears Roebuck and Kmart Corporation residing in Puerto Rico and was created by the merger of the prior Kmart Retirement Savings Plan for Puerto Rico Employees into the prior Sears Puerto Rico Savings Plan, as of March 31, 2012. In addition, the Applicant requests the following changes to Representation 3 of the Notice:

(a) In the first paragraph of Representation 3, ''and Kmart Corporation,'' should be inserted after the phrase, ''(Sears Roebuck de Puerto Rico).''

(b) In the first paragraph of Representation 3, the phrase, ''and was established by the merger of the prior Kmart Corporation Retirement Savings Plan for Puerto Rico Employees with and into the prior Sears Puerto Rico Savings Plan as of March 31, 2012,'' should be inserted after the phrase, ''Commonwealth of Puerto Rico.''

(c) In the second paragraph of Representation 3, the phrase, ''1.4 percent (1.4%)'' should be revised to read, approximately ''.033 percent (.033%).''

4. *Land's End Plan.* In Representation 4, the Applicant wishes to clarify that the Lands' End Plan was established by Lands' End and is sponsored and maintained by Lands' End.

5. *Sears Holdings Stock Issued and Outstanding/Holdings Stock Held by PR Plan.* The Applicant wishes to clarify that the figure of 106 million shares of Holdings Stock issued and outstanding, as set forth in Representations 2, 3, and 4 of the Notice, is an approximate figure, and the exact number is ''106,444,571.''

6. *Other Clarifications.* In the first paragraph of Representation 5, the Applicant wishes to clarify that the phrase, ''other than the Lands' End Plan,'' be inserted after the word, ''Plans,'' and that the word, ''Company,'' be deleted, and the word, ''Corporation,'' be substituted instead.

7. *Edward S. Lampert.* In Representation 6, the Applicant wishes to clarify that Mr. Lampert became the CEO of Holdings as of February 1, 2013.

8. *Number of SHO Stock/SHO Business.* In Representation 7, the Applicant wishes to clarify that the number of SHO stores should read ''1,230,'' rather than ''11,238.'' In addition, the Applicant wishes to clarify that SHO did not conduct business as a separate company and had no material assets or liabilities, prior to August 31, 2012, rather than through the date of the Offering.

9. *Depository Trust Company (DTC) Interim Trading.* The Applicant wishes to clarify that in Representation 11, the DTC established an interim ''trading'' period, rather than an interim ''tracing'' period for the Rights. Further, the Applicant indicates that the report from the I/F states that this interim trading period continued through September 17, 2012, rather than September 16, 2012.

10. *Net Proceeds.* The Applicant wishes to clarify that the net proceeds from the sale of the Rights generated for

the Savings Plan and the PR Plan, according to the report from the I/F, was $3,490,605.16, rather than $3,490,606.15, as set forth in the Notice.

11. *SEC Fees.* The Applicant wishes to clarify that the SEC fees paid by the Master Trust in connection with the sale of the Rights were $78.63, rather than $778.63.

The Department concurs with the Applicant's requested clarifications/corrections to the Notice. Accordingly, after full consideration and review of the entire record, including the comment filed by the Applicant, the Department has determined to grant the exemption, as set forth above. The written comment from the Applicant has been included as part of the public record of the exemption application. The complete application files (D–11739, D–11740 and D–11741) are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption refer to the Notice published on July 9, 2013, at 78 FR 41110.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena C. Le Blanc of the Department, telephone (202) 693–8551. (This is not a toll-free number.)

American International Group, Inc. Incentive Savings Plan (the Savings Plan), American General Agents' & Managers' Thrift Plan (the Thrift Plan), and Chartis Insurance Company—Puerto Rico Capital Growth Plan (the Chartis Plan) (Collectively, the Plans) Located in New York, NY and Puerto Rico [Prohibited Transaction Exemption 2013–13; Exemption Application Nos. D–11767, D–11768, and D–11769]

Exemption

The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) and (E) of the Code,[7] shall not apply for the ten-year period, effective January 19, 2011 through January 19, 2021, to:

(1) The acquisition by the Savings Plan and the Thrift Plan of certain warrant rights (the Warrants) from American International Group, Inc. (AIG), a party in interest with respect to the Savings Plan and the Thrift Plan; and

(2) The holding of the Warrants by the Savings Plan and the Thrift Plan.

(b) The restrictions of sections 406(a)(1)(A), 406(a)(1)(E), 406(a)(2), 406(b)(1), 406(b)(2) and 407(a) of the Act[8] shall not apply to:

(1) The acquisition by the Chartis Plan of the Warrants from AIG, a party in interest with respect to the Chartis Plan; and

(2) The holding of the Warrants by the Plans.

Section II. Conditions

The relief provided in this exemption is conditioned upon adherence to the material facts and representations set forth in the application file, and upon compliance with the conditions, as set forth herein.

(a) All decisions regarding the acquisition and holding of the Warrants by the Plans were made by AIG;

(b) The Plans' acquisition of the Warrants resulted from an independent act of AIG as a corporate entity, and without any participation on the part of the Plans;

(c) The receipt of the Warrants by the Plans occurred in connection with a recapitalization plan approved by the Board of Directors of AIG, in which all holders of AIG common stock, including the Plans, were treated exactly the same with respect to the acquisition of the Warrants;

(d) All holders of AIG common stock, including the Plans, were issued the same proportionate number of Warrants based on the number of shares of AIG common stock held by such shareholder;

(e) The acquisition of the Warrants by the Plans was made in a manner that was consistent with provisions of each such Plan for the individually-directed investment of participant accounts;

(f) The Plans did not pay any fees or commissions in connection with the acquisition of the Warrants;

(g) The Plans did not pay, nor will the Plans pay, any fees or commissions in connection with the holding of the Warrants;

(h) The Plans did not pay, nor will the Plans pay, any brokerage fees or commissions to any broker affiliated with AIG, Chartis, or the Trustees in connection with the sale of the Warrants; and

(i) AIG will provide annual written notices to all participants in the Plans holding Warrants to remind them to sell their Warrants before such Warrants expire on January 19, 2021.

Effective Date: This exemption is effective for the period commencing January 19, 2011 through January 19, 2021.

Written Comments

In the Notice of Proposed Exemption (the Notice), the Department invited all interested persons to submit written comments and/or requests for a public hearing on the proposed exemption within 45 days of the date of the publication of the Notice in the **Federal Register** on July 22, 2013. All comments and requests for hearing were due by September 5, 2013.

During the comment period, the Department received no requests for a hearing and one written comment, dated September 6, 2013. The comment reflected the commenter's failure to fully understand the Notice. The Department provided an explanation to the commenter by telephone, that was satisfactory to the commenter, and the comment was withdrawn.

Accordingly, after giving full consideration to the entire record, including the comment, the Department has decided to grant the exemption. The complete application file (Application Nos. D–11767, D–11768, and D–11769), and all supplemental submissions received by the Department, are available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, Room N–1513, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

For a more complete statement of the facts and representations supporting the Department's decision to grant this exemption, refer to the Notice published on July 22, 2013, at 78 FR 43938.

FOR FURTHER INFORMATION CONTACT: Mr. Asrar Ahmed of the Department, telephone (202) 693–8557. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or

[7] For purposes of this exemption, references to specific provisions of Title I of the Act, unless otherwise specified, refer also to the corresponding provisions of the Code.

[8] It is represented that the fiduciaries of the Chartis Plan have not made an election, under section 1022(i)(2) of the Act, whereby such plan would be treated as a trust created and organized in the United States for purposes of tax qualification under section 401(a) of the Code. Further, it is represented that jurisdiction under Title II of the Act does not apply to the Chartis Plan. Accordingly, the Department, herein, is not providing any relief from the prohibitions, as set forth in Title II of the Act, in connection with the acquisition and holding of the Warrants by the Chartis Plan.

disqualified person from certain other provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) This exemption is supplemental to and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transactional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(3) The availability of this exemption is subject to the express condition that the material facts and representations contained in the application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 31st day of October, 2013.

Lyssa E. Hall,

Director of Exemption Determinations, Employee Benefits Security Administration, U.S. Department of Labor.

[FR Doc. 2013–26630 Filed 11–6–13; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2013–0006]

Advisory Committee on Construction Safety and Health (ACCSH)

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Announcement of a meeting of ACCSH and request for nominations for membership on ACCSH.

SUMMARY: ACCSH will meet December 5–6, 2013, in Washington, DC. OSHA also announces the Assistant Secretary of Labor request for nominations for membership on ACCSH.

DATES:

ACCSH meeting: ACCSH will meet from 1 to 4 p.m., e.t., Thursday, December 5, 2013, and Friday, December 6, 2013. Submit (postmark, send, transmit) comments, requests to address the ACCSH meeting, speaker presentations (written or electronic), requests for special accommodations for the ACCSH meeting, by November 15, 2013.

Nominations for ACCSH membership: Submit nominations for ACCSH membership January 6, 2014.

ADDRESSES:

Submission of comments, requests to speak, and speaker presentations for the ACCSH meeting, and nominations for ACCSH membership: Submit comments, requests to speak, and speaker presentations for the ACCSH meeting, and nominations and supporting material for ACCSH membership, using one of the following methods:

Electronically: Submit materials, including attachments, electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the on-line instructions for submissions.

Facsimile (Fax): If the submission, including attachments, does not exceed 10 pages, you may fax it to the OSHA Docket Office at (202) 693–1648.

Regular mail, express mail, hand delivery, or messenger (courier) service: Submit materials to the OSHA Docket Office, Docket No. OSHA–2013–0006, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2350 (TTY (877) 889–5627). OSHA's Docket Office accepts deliveries (hand deliveries, express mail, and messenger service) during normal business hours, 8:15 a.m.–4:45 p.m., e.t., weekdays.

Instructions: Submissions must include the agency name and docket number for this **Federal Register** notice (Docket No. OSHA–2013–0006). Due to security-related procedures, submissions by regular mail may experience significant delays. Please contact the OSHA Docket Office for information about security procedures for making submissions. For additional information on submitting comments, requests to speak, and speaker presentations, see the **SUPPLEMENTARY INFORMATION** section of this notice.

OSHA will post comments, requests to speak, and speaker presentations, including any personal information provided, without change, at *http://www.regulations.gov.* Therefore, OSHA cautions you about submitting personal information such as Social Security numbers and birthdates.

Location of the ACCSH meeting: ACCSH will meet in Room C–5515, 1A–B, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Requests for special accommodations at the ACCSH meeting: Please submit requests for special accommodations to attend the ACCSH meeting to Ms. Frances Owens, OSHA, Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *owens.frances@dol.gov.*

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–1999; email *meilinger.francis2@dol.gov.*

For general information about ACCSH, the ACCSH meeting, and ACCSH membership: Mr. Damon Bonneau, OSHA, Directorate of Construction, Room N–3468, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693–2020; email *bonneau.damon@dol.gov.*

Copies of this Federal Register notice: Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov*. This notice, as well as news releases and other relevant information, also are available on the OSHA Web page at *http://www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. ACCSH Meeting

Background: ACCSH will meet December 5–6, 2013, in Washington, DC. Some ACCSH members will attend the meeting by teleconference. The meeting is open to the public. OSHA transcribes ACCSH meetings and prepares detailed minutes of meetings. OSHA places the transcript and minutes in the public docket for the meeting. The docket also includes speaker presentations, comments, and other materials submitted to ACCSH.

ACCSH advises the Secretary of Labor and the Assistant Secretary of Labor for Occupational Safety and Health (Assistant Secretary) in the formulation of standards affecting the construction industry, and on policy matters arising in the administration of the safety and health provisions under the Contract Work Hours and Safety Standards Act (Construction Safety Act (CSA)) (40 U.S.C. 3701 *et seq.*) and the Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) (see also 29 CFR 1911.10 and 1912.3). In addition, the OSH Act and CSA require that OSHA consult with ACCSH before the Agency proposes any occupational safety and health standard affecting construction activities (29 CFR 1911.10; 40 U.S.C. 3704).

Meeting agenda: The tentative agenda for this meeting includes:

- Assistant Secretary's Agency update and remarks;
- Directorate of Construction update on rulemaking projects;
- Directorate of Standards and Guidance update on the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) program;
- Discussion of the OSHA 10-hour and 30-hour training courses;
- Presentation on the draft proposed standard on Occupational Exposure to Beryllium; and
- Public comment period.

Attending the meeting: Individuals attending the meeting at the U.S. Department of Labor must enter the building at the visitors' entrance, 3rd and C Streets, NW., and pass through building security. Attendees must have valid government-issued photo identification (such as a driver's license) to enter the building. For additional information about building security measures for attending ACCSH meetings, please contact Ms. Owens (see **ADDRESSES** section).

Requests to speak and speaker presentations: Attendees who want to address ACCSH at the meeting must submit a request to speak, as well as any written or electronic presentation, by November 15, 2013, using one of the methods listed in the **ADDRESSES** section. The request must state:

- The amount of time requested to speak;
- The interest you represent (e.g., business, organization, affiliation), if any; and
- A brief outline of your presentation.

PowerPoint presentations and other electronic materials must be compatible with PowerPoint 2010 and other Microsoft Office 2010 formats.

The ACCSH Chair may grant requests to address ACCSH as time and circumstances permit.

Public docket of the meeting: OSHA will place comments, requests to speak, and speaker presentations, including any personal information you provide, in the public docket of this ACCSH meeting without change, and those documents may be available online at *http://www.regulations.gov.* OSHA also places in the public docket the meeting transcript, meeting minutes, documents presented at the ACCSH meeting, and other documents pertaining to the ACCSH meeting. These documents are available online at *http://www.regulations.gov.*

Access to the public record of ACCSH meetings: To read or download documents in the public docket of this ACCSH meeting, go to Docket No. OSHA–2013–0006 at *http://www.regulations.gov.* The *http://www.regulations.gov* index also lists all documents in the public record for this meeting; however, some documents (e.g., copyrighted materials) are not publicly available through that Web page. All documents in the public record, including materials not available through *http://www.regulations.gov,* are available for inspection and copying in the OSHA Docket Office (see **ADDRESSES** section). Contact the OSHA Docket Office for assistance in making submissions to, or obtaining materials from, the public docket.

II. Request for Nominations for Membership on ACCSH

The Assistant Secretary of Labor for Occupational Safety and Health (OSHA Assistant Secretary) invites interested persons to submit nominations for membership on ACCSH.

Background: ACCSH is a continuing advisory committee established under Section 107(e) of the CSA to advise the Secretary of Labor (Secretary) in the formulation of construction safety and health standards, as well as on policy matters arising under the CSA and the OSH Act. In particular, 29 CFR 1911.10(a) and 1912.3(a) provide that the Assistant Secretary shall consult with ACCSH whenever the Agency proposes any safety or health standard that affects the construction industry.

ACCSH operates in accordance with the CSA, the OSH Act, the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2), and regulations issued pursuant to those statutes (29 CFR part 1912, 41 CFR part 102–3). ACCSH generally meets two to four times a year.

ACCSH membership: ACCSH consists of 15 members whom the Secretary appoints. ACCSH members generally serve staggered two-year terms, unless they resign, cease to be qualified, become unable to serve, or the Secretary removes them (29 CFR 1912.3(e)). The Secretary may appoint ACCSH members to successive terms. No member of ACCSH, other than members who represent employers or employees, shall have an economic interest in any proposed rule that affects the construction industry (29 CFR 1912.6).

The categories of ACCSH membership, and the number of new members to be appointed to replace members whose terms have expired, are:

- Five members who are qualified by experience and affiliation to present the viewpoint of employers in the construction industry—two employer representatives will be appointed;
- Five members who are similarly qualified to present the viewpoint of employees in the construction industry—two employee representatives will be appointed;
- Two representatives of State safety and health agencies—one representative from a State safety and health agency will be appointed;
- Two public members, qualified by knowledge and experience to make a useful contribution to the work of ACCSH, such as those who have professional or technical experience and competence with occupational safety and health in the construction industry—one public representative will be appointed; and
- One representative designated by the Secretary of the Department of Health and Human Services and appointed by the Secretary—no new appointment will be made.

The Department of Labor is committed to equal opportunity in the workplace and seeks broad-based and diverse ACCSH membership. Any interested person or organization may nominate one or more individuals for membership on ACCSH. Interested persons also are invited and encouraged to submit statements in support of nominees.

Submission requirements: Nominations must include the following information:

- Nominee's contact information and current employment or position;
- Nominee's résumé or curriculum vitae, including prior membership on ACCSH and other relevant organizations and associations;
- Category of membership (employer, employee, public, State safety and health agency) that the nominee is qualified to represent;
- A summary of the background, experience, and qualifications that addresses the nominee's suitability for each of the nominated membership categories;
- Articles or other documents the nominee has authored that indicate the nominee's knowledge, experience, and expertise in occupational safety and health, particularly as it pertains to the construction industry; and
- A statement that the nominee is aware of the nomination, is willing to regularly attend and participate in ACCSH meetings, and has no conflicts of interest that would preclude membership on ACCSH.

Member selection: The Secretary will select ACCSH members on the basis of their experience, knowledge, and competence in the field of occupational safety and health, particularly as it pertains to the construction industry.

Information received through this nomination process, in addition to other relevant sources of information, will assist the Secretary in appointing members to ACCSH. In selecting ACCSH members, the Secretary will consider individuals nominated in response to this **Federal Register** notice, as well as other qualified individuals.

Instructions for submitting nominations: All nominations, supporting documents, attachments, and other materials must identify the Agency name and the docket number for this **Federal Register** notice (Docket No. OSHA–2013–0006). Submit materials electronically, by FAX, or by hard copy. You may supplement electronic submissions by attaching electronic files. If you supplement electronic submissions with hard-copy documents, submit the hard copy documents to the OSHA Docket Office and clearly identify the electronic submission by Agency name and docket number (Docket No. OSHA–2013–0006) so the Docket Office can attach the hard-copy documents to the appropriate electronic submission.

The OSHA Docket Office will post all submissions, including personal information provided, in the docket without change. Therefore, OSHA cautions interested parties about submitting personal information such as Social Security numbers and birthdates. Guidance on submitting nominations and supporting materials is available on-line at *http://www.regulations.gov* and from the OSHA Docket Office.

Access to docket: The *http://www.regulations.gov* index lists all submissions provided in response to this **Federal Register** notice; however, some information (e.g., copyrighted material) is not publicly available to read or download from that Web page. All submissions, including materials not available on-line, are available for inspection and copying at the OSHA Docket Office. For information about accessing materials in Docket No. OSHA–2013–0006, including materials not available on-line, contact the OSHA Docket Office.

Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice under the authority granted by 29 U.S.C. 656; 40 U.S.C. 3704; 5 U.S.C. App. 2; 29 CFR parts 1911 and 1912; 41 CFR part 102; and Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012).

Signed at Washington, DC, on November 1, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2013–26646 Filed 11–6–13; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (13–128)]

International Space Station Advisory Committee; Charter Renewal

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal and amendment of the charter of the International Space Station Advisory Committee.

SUMMARY: Pursuant to sections 14(b)(1) and 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Committee Management Secretariat, General Services Administration, the NASA Administrator has determined that renewal and amendment of the charter of the International Space Station Advisory Committee is in the public interest in connection with the performance of duties imposed on NASA by law. The renewed charter is for a one-year period ending September 30, 2014. It is identical to the previous charter in all respects except with regard to information pertaining to tasking, travel funding, annual operating costs and membership.

FOR FURTHER INFORMATION CONTACT: Mr. Gregory A. Mann, Executive Secretary, International Space Station Advisory Committee, Office of International and Interagency Relations, NASA Headquarters, Washington, DC 20546; phone: 202–358–5140; email: *gmann@nasa.gov.*

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–26712 Filed 11–6–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (13–129)]

International Space Station National Laboratory Advisory Committee; Charter Renewal

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal of the charter of the International Space Station National Laboratory Advisory Committee.

SUMMARY: Pursuant to sections 14(b)(1) and 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Committee Management Secretariat, General Services Administration, the NASA Administrator has determined that renewal of the charter of the International Space Station National Laboratory Advisory Committee is in the public interest in connection with the performance of duties imposed on NASA by law. The renewed charter is for a two-year period ending October 18, 2015. It is identical to the previous charter in all respects.

FOR FURTHER INFORMATION CONTACT: Ms. Marybeth A. Edeen, Executive Director, International Space Station National Laboratory Advisory Committee, NASA Johnson Space Center, Houston, TX; phone: 281–483–9122; email: *marybeth.a.edeen@nasa.gov.*

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–26714 Filed 11–6–13; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (13–130)]

NASA Advisory Council; Charter Renewal

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of renewal and amendment of the charter of the NASA Advisory Council.

SUMMARY: Pursuant to sections 14(b)(1) and 9(c) of the Federal Advisory Committee Act (Pub. L. 92–463), and after consultation with the Committee Management Secretariat, General Services Administration, the NASA Administrator has determined that renewal and amendment of the charter of the NASA Advisory Council is in the public interest in connection with the performance of duties imposed on NASA by law. The renewed charter is for a two-year period ending October 24, 2015. It is identical to the previous charter in all respects except with regard to information pertaining to annual operating costs and number of meetings per year.

FOR FURTHER INFORMATION CONTACT: Ms. P. Diane Rausch, Executive Director, NASA Advisory Council, Advisory Committee Management Division, Office of International and Interagency Relations, NASA Headquarters, Washington, DC 20546; phone: 202–358–4510; email: *diane.rausch@nasa.gov.*

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2013–26713 Filed 11–6–13; 8:45 am]

BILLING CODE 7510–13–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–237; 50–249; License Nos. DPR–19; DPR–25; EA–13–068; NRC–2013–0245]

In the Matter of Exelon Generation Company, LLC; Dresden Nuclear Power Station Confirmatory Order Modifying License

I

Exelon Generation Company, LLC (Exelon or the licensee) is the holder of Reactor Operating License Nos. DPR–19 and DPR–25 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50 on February 20, 1991, for Unit 2 and on January 12, 1971, for Unit 3. Both licenses were renewed on October 28, 2004. The licenses authorize the operation of the Dresden Nuclear Power Station (Dresden Station) in accordance with conditions specified therein.

This Confirmatory Order is the result of an agreement reached during an alternative dispute resolution (ADR) mediation session conducted on September 18, 2013.

II

On June 6, 2012, the U.S. Nuclear Regulatory Commission's Office of Investigations (OI), Region III Field Office, initiated an investigation to determine if a Senior Reactor Operator (SRO), an Equipment Operator (EO), or any other personnel at the Dresden Station knew that a SRO planned to commit an off-site crime and failed to report that SRO for aberrant behavior. The investigation was completed on March 29, 2013, and was documented in the OI Report No. 3–2012–020. At the time of this investigation, both the SROs, who plotted the off-site crime and the EO whom they were trying to recruit, had their site access revoked and all three employees were subsequently terminated by the licensee. Based on the evidence developed during its investigation, the NRC identified an apparent violation of NRC requirements in Title 10 of the *Code of Federal Regulations,* Part 73, Sections 56(a)(2), 56(f)(1), and 56(f)(3) with multiple examples in that:

1. An EO, who had unescorted access to the Dresden Station, failed to report concerns to a supervisor regarding an observed change in behavior of two individuals who had unescorted access to the Dresden Station when the other individuals attempted to recruit him in their plans to commit a violent crime off-site.

2. A SRO, who had unescorted access to the Dresden Station, failed to report concerns to a supervisor regarding an observed change in behavior of another individual who had unescorted access to the Dresden Station when the other individual attempted to recruit him in his plans to commit a violent crime off-site.

3. A SRO, who had unescorted access to the Dresden Station, failed to report concerns to a supervisor regarding an observed change in behavior of another individual who had unescorted access to the Dresden Station when the other individual went along with his plans to commit a violent crime off-site.

4. An SRO, with unescorted access to the Dresden Station, failed to promptly contact a reviewing official upon learning of questionable behavior when the SRO was informed by two reactor operators about the questionable behavior of an EO.

On September 18, 2013, Exelon and the NRC met in an ADR session mediated by a professional mediator, arranged through Cornell University's Institute on Conflict Resolution. ADR is a process in which a neutral mediator with no decision-making authority assists the parties in reaching an agreement on resolving any differences regarding the dispute. This confirmatory order is issued pursuant to the agreement reached during the ADR process.

Ill

In response to the NRC's offer, Exelon requested use of the NRC's ADR process to resolve differences it had with the NRC. During that ADR session, a preliminary settlement agreement was reached. The elements of the agreement consisted of the following:

A. The licensee stated that it has completed the following actions, which are hereby acknowledged in the Confirmatory Order:

• Revised Exelon procedure SY–AA–103–513, ''Behavioral Observation Program'' to indicate that the behavioral observation program includes an expectation to report offsite illegal activity;

• Conducted an Exelon-wide briefing of the issue and the expectation to report unusual behavior observed either on or offsite;

• Trained Dresden Station personnel of the changes to the procedure and the expectations for reporting aberrant offsite activities; and

• Verified that Dresden Station personnel understood the procedural requirements and guidance.

In addition, the licensee stated that the general employee training program, which is used at Exelon and at other reactor utilities, was revised to include guidance on reporting offsite aberrant activities.

B. *Responsibility to Report Offsite Aberrant Behavior or Credible Information:*

B.1. Within 90 days of the effective date of the Confirmatory Order, revise Exelon procedure SY–AA–103–513, ''Behavioral Observation Program'': (1) to provide additional guidance on the types of offsite activities, if observed, or credible information that should be reported to reviewing officials, and (2) to ensure that procedural requirements to pass information forward without delay are clearly communicated.

B.2. Within 90 days of the revision to the procedure described in B.1., provide training to Exelon staff of the revision.

B.3. Within 18 months of the effective date of the Confirmatory Order, develop and conduct an effectiveness assessment of its revised procedure and of the general employee training to determine if Exelon personnel remain aware of the need to report observed offsite aberrant behavior or credible information.

B.4. These terms and conditions apply to the current Exelon fleet of operating reactors existing as of the date of the Confirmatory Order.

C. *Recognition within Reactor Community:*

Within 90 days of the effective date of the Confirmatory Order, Exelon will develop and make a presentation based on the facts and lessons learned from the events that gave rise to the Confirmatory Order. Exelon agrees to make this presentation at an appropriate industry forum and to submit an operating experience summary to an industry-wide organization. Exelon will make the presentation materials available to the onsite NRC resident inspectors at the Dresden Station.

D. *Informing NRC when Actions Are Complete:*

Unless otherwise specified, Exelon will submit written notification to the

U.S. NRC Region III Director of Reactor Safety at one year from the date of the Confirmatory Order, and annually thereafter, as actions are completed until total completion.

E. The resulting Confirmatory Order will not be considered an escalated enforcement action by the NRC for any future assessment of the Dresden Station.

F. In consideration of the commitments above, the NRC agrees to not issue a finding, a Notice of Violation, a civil penalty, or to take any further enforcement action in the matter of EA–13–068 discussed in the NRC's letter to Exelon dated July 3, 2013.

On October 4, 2013, Exelon consented to issuing this Order with the commitments as described in Section V below. Exelon further agreed that this Order is to be effective upon issuance and that the licensee has waived its right to a hearing.

IV

Since the licensee has agreed to take additional actions to address NRC concerns, as set forth in Section III above, the NRC has concluded that its concerns can be resolved through issuance of this Confirmatory Order.

I find that Exelon's commitments as set forth in Section V are acceptable and necessary and conclude that with these commitments the public health and safety are reasonably assured. In view of the foregoing, I have determined that public health and safety require that Exelon's commitments be confirmed by this Confirmatory Order. Based on the above and Exelon's consent, this Confirmatory Order is effective upon issuance.

V

Accordingly, pursuant to Sections 104b, 161 b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR Part 50, *it is hereby ordered, that the actions described below will be taken at Dresden Nuclear Power Station and other nuclear plants in Exelon's fleet and that License Nos. DPR–19 and DPR–25 are modified as follows with respect to the actions taken or to be taken at Dresden Nuclear Power Station:*

A. *Responsibility to Report Offsite Aberrant Behavior or Credible Information:*

A.1. Within 90 days of the effective date of the Confirmatory Order, revise Exelon procedure SY–AA–103–513, ''Behavioral Observation Program'': (1) to provide additional guidance on the types of offsite activities, if observed, or credible information that should be reported to reviewing officials, and (2) to ensure that procedural requirements to pass information forward without delay are clearly communicated.

A.2. Within 90 days of the revision to the procedure described in A.1., provide training to Exelon staff of the revision.

A.3. Within 18 months of the effective date of the Confirmatory Order, develop and conduct an effectiveness assessment of its revised procedure and of the general employee training to determine if Exelon personnel remain aware of the need to report observed offsite aberrant behavior or credible information.

A.4. These terms and conditions apply to the current Exelon fleet of operating reactors existing as of the date of the Confirmatory Order.

B. *Recognition within Reactor Community:*

Within 90 days of the effective date of the Confirmatory Order, Exelon will develop and make a presentation based on the facts and lessons learned from the events that gave rise to the Confirmatory Order. Exelon agrees to make this presentation at an appropriate industry forum and to submit an operating experience summary to an industry-wide organization. Exelon will make the presentation materials available to the onsite NRC resident inspectors at the Dresden Station.

C. *Informing NRC when Actions Are Complete:*

Unless otherwise specified, Exelon will submit a written status of the Confirmatory Order action items to the U.S. NRC Region III Director of Reactor Safety by October 31, 2014, and annually thereafter, until all actions are completed.

The Regional Administrator, Region III, may, in writing, relax or rescind any of the above conditions upon demonstration by Exelon of good cause.

VI

Any person adversely affected by this Confirmatory Order, other than Exelon may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139; August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software. If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web

site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) first class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than the licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Confirmatory Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a person whose interest is adversely affected, the Commission will issue an order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Confirmatory Order should be sustained.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section V above shall be final 30 days from the date this Confirmatory Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section V shall be final when the extension expires if a hearing request has not been received.

A request for hearing shall not stay the effectiveness of this order.

Dated this 28th day of October 2013.

For the Nuclear Regulatory Commission.

Cynthia D. Pederson,

Regional Administrator, Region III.

[FR Doc. 2013–26757 Filed 11–6–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) Meeting of the ACRS Subcommitte on Radiation Protection and Nuclear Materials; Notice of Meeting

The ACRS Subcommittee on Radiation Protection and Nuclear Materials will hold a meeting on November 19, 2013, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, November 19, 2013—1:00 p.m. Until 5:00 p.m.

The Subcommittee will review proposed revisions to low-level waste regulations (10 CFR Part 61). The Subcommittee will hear presentations by and hold discussions with staff of the Department of Energy (DOE) and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Derek Widmayer (Telephone 301–415–7366 or Email: *Derek.Widmayer@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed

procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 18, 2012, (77 FR 64146–64147).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: *October 31, 2013.*

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2013–26731 Filed 11–6–13; 8:45 a.m.]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on Advanced Boiling Water Reactor; Notice of Meeting

The ACRS Subcommittee on Advanced Boiling Water Reactor (ABWR) will hold a meeting on November 22, 2013, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The meeting will be open to public attendance with the exception of a portion that may be closed to protect information that is propriety pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Friday, November 22, 2013—8:30 a.m. Until 5:00 p.m.

The Subcommittee will review Chapter 3 of the Safety Evaluation Report, including Section 3.9.2 on reactor internal vibrations and excluding Sections 3.7 and 3.8 on seismic design, associated with the combined license application (COLA) for South Texas Project (STP) Units 3 and 4. The Subcommittee will hear presentations by and hold discussions with the applicant (Nuclear Innovation North America), the NRC staff, and other interested persons regarding these matters. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Maitri Banerjee (Telephone 301–415–6973 or Email: *Maitri.Banerjee@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 18, 2012, (77 FR 64146–64147).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, MD. After registering with security, please contact Mr. Theron Brown (Telephone 240–888–9835) to be escorted to the meeting room.

Dated: October 31, 2013.

Cayetano Santos,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2013–26728 Filed 11–6–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0246; IA–13–024]

In the Matter of Landon E. Brittain; Order Prohibiting Involvement In NRC-Licensed Activities (Effective Immediately)

I

Landon E. Brittain was formerly employed as a senior reactor operator (SRO) at the Exelon Dresden Nuclear Power Station (Dresden Station). Mr. Brittain was the holder of SRO license No. SOP–32151 issued by the Nuclear Regulatory Commission (NRC) pursuant to Part 55 of Title 10 of the *Code of Federal Regulations* (10 CFR). The license authorized Mr. Brittain to manipulate the controls of the Dresden Station, Facility License Nos. DPR–19 and DPR–25, located in Morris, Illinois. Dresden Station requested the termination of Mr. Brittain's license, and on June 25, 2012, the license was terminated by the NRC.

II

An investigation was initiated by the NRC Office of Investigations on June 6, 2012, to determine if Mr. Brittain, an equipment operator, or other personnel had knowledge of another SRO planning to commit a violent crime off-site and willfully failed to report that SRO to management for aberrant behavior. This investigation revealed that in mid-July 2011, Mr. Brittain, along with another SRO, began planning and attempted to recruit other resources to assist in an armored car robbery.

However, on May 9, 2012, the other SRO was apprehended by police after hijacking a car at gunpoint. That SRO was later released on bail and apparently fled the country. Although at the time Mr. Brittain was not charged for the crime, he fled the country, was later apprehended in Venezuela, and has been extradited to the United States. As of the date of this Order, Mr. Brittain is under indictment for aggravated vehicular hijacking, vehicular hijacking, and obstruction of justice.

Section 73.56(f)(3) of 10 CFR requires, in part, that individuals who are subject to an access authorization program, at a minimum, report any concerns arising from behavioral observation, including,

but not limited to, concerns related to any questionable behavior patterns or activities of others to the reviewing official, his or her supervisor, or other management personnel designated in their site procedures. Exelon Procedure, SY–AA–103–513, ''Behavioral Observation,'' Step 3.2.2 requires, in part, that individuals with unescorted access report to their supervisor when an individual is exhibiting unusual or aberrant behavior. Despite these requirements, Mr. Brittain failed to report his observations regarding his coworker's unusual or aberrant behavior to his supervisor.

III

Due to the failure to report the questionable behavior of his fellow employee, and the egregiousness of Mr. Brittain's apparent criminal activities related to the carjacking, and the planning of such activities with his fellow employee, and pursuant to Sections 161b, 161i, and 161o of the Atomic Energy Act of 1954, as amended, the NRC has determined that Mr. Brittain has demonstrated a lack of trustworthiness that falls below the standard necessary to promote the common defense and security, protect health, or to minimize danger to life or property. Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements, and that the health and safety of the public will be protected if Mr. Brittain were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Brittain be prohibited from any involvement in NRC-licensed activities until such time that he can provide the NRC that reasonable assurance exists, that licensed activities can be conducted in compliance with the Commission's requirements. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Brittain's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, *it is hereby ordered, effective immediately, that:*

1. Landon E. Brittain is prohibited from engaging in, supervising, directing, or in any other way conducting NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in the NRC's jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. If Landon E. Brittain is currently involved with NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this Order to the employer.

3. The Director, Office of Enforcement, will consider lifting the prohibitions set forth in this Order only upon an adequate showing by Landon E. Brittain of corrective actions sufficient to demonstrate reasonable assurance that he will comply with NRC requirements. To attempt such a showing, Mr. Brittain must participate in a discussion with NRC. To schedule a meeting, Mr. Brittain may contact the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The Director, Office of Enforcement, or designee, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Brittain of good cause.

V

In accordance with 10 CFR 2.202, Mr. Brittain must submit a written answer to this Order under oath or affirmation within 30 days of the date of this Order. Mr. Brittain's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy. Any person adversely affected by this Order may submit a written answer within 30 days from the date of this Order. In addition, Mr. Brittain and any other person adversely affected by this Order may request a hearing on this Order within 30 days from the date of this Order. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than Mr. Brittain requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland, this 28th day of October 2013.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2013–26767 Filed 11–6–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0247; IA–13–025]

In the Matter of Michael J. Buhrman; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I.

Michael J. Buhrman was formerly employed as a senior reactor operator (SRO) at the Exelon Dresden Nuclear Power Station (Dresden Station). Mr. Buhrman was the holder of SRO License Number SOP–32152 issued by the Nuclear Regulatory Commission (NRC) pursuant to Part 55 of Title 10 of the *Code of Federal Regulations* (10 CFR). The license authorized Mr. Buhrman to manipulate the controls of the Dresden Station, Facility License Nos. DPR–19 and DPR–25, located in Morris, Illinois. Dresden Station requested the termination of Mr. Buhrman's license, and on June 25, 2012, the license was terminated by the NRC.

II.

An investigation was initiated by the NRC Office of Investigations (OI) on June 6, 2012, to determine if a Dresden Station SRO, an equipment operator, or any other personnel had knowledge of Mr. Burhman planning to commit a violent crime off-site. This investigation revealed that in mid-July 2011, Mr. Buhrman, along with another SRO, began planning and attempted to recruit other resources to assist in an armored car robbery.

However, on May 9, 2012, Mr. Buhrman was apprehended by police after hijacking a car at gunpoint, released on bail and fled the country. On April 17, 2013, Mr. Buhrman was tried in absentia, found guilty of aggravated vehicular hijacking and on May 15, 2013, sentenced to a 40-year prison term.

III.

Due to the egregiousness of Mr. Buhrman's criminal activities related to the carjacking, and the planning of such activities with his fellow employee, and pursuant to Sections 161b, 161i, and

161o of the Atomic Energy Act of 1954, as amended, the NRC has determined that Mr. Buhrman has demonstrated a lack of trustworthiness that falls below the standard necessary to promote the common defense and security, protect health, or to minimize danger to life or property. Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements, and that the health and safety of the public will be protected if Mr. Buhrman were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Mr. Buhrman be prohibited from any involvement in NRC-licensed activities until such time that he can provide the NRC that reasonable assurance exists, that licensed activities can be conducted in compliance with the Commission's requirements. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Mr. Buhrman's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

IV.

Accordingly, pursuant to Sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, I*t is hereby ordered, effective immediately, that:*

1. Michael J. Buhrman is prohibited from engaging in supervising, directing, or in any other way conducting NRC-licensed activities. NRC- licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted in the NRC's jurisdiction pursuant to the authority granted by 10 CFR 150.20.

2. If Michael J. Buhrman is currently involved with NRC-licensed activities, he must immediately cease those activities, and inform the NRC of the name, address, and telephone number of the employer, and provide a copy of this Order to the employer.

3. The Director, Office of Enforcement, will consider lifting the prohibitions set forth in this Order only upon an adequate showing by Michael J. Buhrman of corrective actions sufficient to demonstrate reasonable assurance that he will comply with NRC requirements. To attempt such a showing, Michael J. Buhrman must participate in a discussion with NRC. To set up a meeting, Michael J. Buhrman may contact the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

The Director, Office of Enforcement, or designee, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Buhrman of good cause.

V.

In accordance with 10 CFR 2.202, Mr. Buhrman must submit a written answer to this Order under oath or affirmation within 30 days of the date of this Order. Mr. Buhrman's failure to respond to this Order could result in additional enforcement action in accordance with the Commission's Enforcement Policy. Any person adversely affected by this Order may submit a written answer within 30 days from the date of this Order. In addition, Mr. Buhrman and any other person adversely affected by this Order may request a hearing on this Order within 30 days from the date of this Order. Where good cause is shown, consideration will be given to extending the time to answer or request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, and include a statement of good cause for the extension.

All documents filed in NRC adjudicatory proceedings, including a request for hearing, a petition for leave to intervene, any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities participating under 10 CFR 2.315(c), must be filed in accordance with the NRC E-Filing rule (72 FR 49139, August 28, 2007). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least ten 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at *hearing.docket@nrc.gov,* or by telephone at 301–415–1677, to request (1) a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign documents and access the E-Submittal server for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a request or petition for hearing (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals/apply-certificates.html.* System requirements for accessing the E-Submittal server are detailed in the NRC's ''Guidance for Electronic Submission,'' which is available on the agency's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* Participants may attempt to use other software not listed on the Web site, but should note that the NRC's E-Filing system does not support unlisted software, and the NRC Meta System Help Desk will not be able to offer assistance in using unlisted software.

If a participant is electronically submitting a document to the NRC in accordance with the E-Filing rule, the participant must file the document using the NRC's online, Web-based submission form. In order to serve documents through the Electronic Information Exchange System, users will be required to install a Web browser plug-in from the NRC's Web site. Further information on the Web-based submission form, including the installation of the Web browser plug-in, is available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.*

Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit a request for hearing or petition for leave to intervene. Submissions should be in Portable Document Format (PDF) in accordance with NRC guidance available on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html.* A filing is considered complete at the time the documents are submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary

that they wish to participate in the proceeding, so that the filer need not serve the documents on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before a hearing request/petition to intervene is filed so that they can obtain access to the document via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC Meta System Help Desk through the ''Contact Us'' link located on the NRC's public Web site at *http://www.nrc.gov/site-help/e-submittals.html,* by email to *MSHD.Resource@nrc.gov,* or by a toll-free call at 866–672–7640. The NRC Meta System Help Desk is available between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, Sixteenth Floor, One White Flint North, 11555 Rockville Pike, Rockville, Maryland, 20852, Attention: Rulemaking and Adjudications Staff. Participants filing a document in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at *http://ehd1.nrc.gov/ehd/,* unless excluded pursuant to an order of the Commission, or the presiding officer. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or home phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. However, a request to intervene will require including information on local residence in order to demonstrate a proximity assertion of interest in the proceeding. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

If a person other than Mr. Buhrman requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.309(d) and (f).

If a hearing is requested by a licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained. In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 30 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated at Rockville, Maryland, this 28th day of October 2013.

For the Nuclear Regulatory Commission.

Roy P. Zimmerman,

Director, Office of Enforcement.

[FR Doc. 2013–26759 Filed 11–6–13; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Designation of Beneficiary: Civil Service Retirement System (CSRS), SF 2808

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0142, Designation of Beneficiary: Civil Service Retirement System, SF 2808. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until January 6, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Retirement Services, Union Square Room 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler, or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: SF 2808 is used by persons covered by CSRS to designate a beneficiary to receive the lump sum payment due from the Civil Service Retirement and Disability Fund in the event of their death.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Designation of Beneficiary: Civil Service Retirement System.

OMB: 3206–0142.

Frequency: On occasion.

Affected Public: Individuals or Households.

Number of Respondents: 2,000.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 500.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–26616 Filed 11–6–13; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Representative Payee Survey

AGENCY: U.S. Office of Personnel Management.

ACTION: 60-Day notice and request for comments.

SUMMARY: The Retirement Services, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on an extension, without change, of a currently approved information collection request (ICR) 3206–0208, Representative Payee Survey. As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The Office of Management and Budget is particularly interested in comments that:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of functions of OPM, including whether the information will have practical utility;

2. Evaluate the accuracy of OPM's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Comments are encouraged and will be accepted until January 6, 2014. This process is conducted in accordance with 5 CFR 1320.1.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the U.S. Office of Personnel Management, Retirement Services, Union Square Room 370, 1900 E Street NW., Washington, DC 20415–3500, Attention: Alberta Butler, or sent by email to *Alberta.Butler@opm.gov.*

FOR FURTHER INFORMATION CONTACT: A copy of this ICR with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW., Room 3316–AC, Washington, DC 20415, Attention: Cyrus S. Benson, or sent by email to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: The Representative Payee Survey is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Analysis

Agency: Retirement Operations, Retirement Services, Office of Personnel Management.

Title: Representative Payee Survey.

OMB Number: 3206–0208.

Frequency: Annually.

Affected Public: Individuals or Households.

Number of Respondents: 11,000.

Estimated Time per Respondent: 20 minutes.

Total Burden Hours: 3,667.

U.S. Office of Personnel Management.

Elaine Kaplan,

Acting Director.

[FR Doc. 2013–26615 Filed 11–6–13; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70798; File No. SR–NYSEArca–2013–111]

Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing of Proposed Rule Change To List and Trade Shares of Manna Core Equity Enhanced Dividend Income Fund Under NYSEArca Equities Rule 8.600

November 1, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 23, 2013, NYSE Arca, Inc. (the ''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the following (''Managed Fund Shares''): Manna Core Equity Enhanced Dividend Income Fund under NYSE Arca Equities Rule 8.600. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade shares (''Shares'') of the following under NYSE Arca Equities Rule 8.600, which governs the listing and trading of Managed Fund Shares [4] on the Exchange: Manna Core Equity Enhanced Dividend Income Fund (the ''Fund'').[5] The Shares of the Fund will be offered by ETF Actively Managed Trust (the ''Trust''). The Trust will be registered with the Securities and Exchange Commission (''Commission'') as an open-end management investment company.[6] ETF Issuer Solutions, Inc. will serve as the investment adviser to the Fund (the ''Adviser''). ETF Distributors LLC (the ''Distributor'') will be the principal distributor of the Fund's Shares. Manna ETFs Management LLC (the ''Sub-Adviser'') will serve as sub-adviser for the Fund. The Bank of New York Mellon will serve as the administrator, accountant, custodian and transfer agent for the Fund (''Administrator,'' ''Accountant,'' ''Custodian'' and ''Transfer Agent,'' respectively).

The Fund will be classified as a ''diversified'' investment company under the 1940 Act.[7]

The Fund intends to qualify for and to elect treatment as a separate regulated investment company (''RIC'') under Subchapter M of the Internal Revenue Code.[8]

Commentary .06 to Rule 8.600 provides that, if the investment adviser to the investment company issuing Managed Fund Shares is affiliated with a broker-dealer, such investment adviser shall erect a ''fire wall'' between the investment adviser and the broker-dealer with respect to access to information concerning the composition of and/or changes to such investment company portfolio. Commentary .06 further requires that personnel who make decisions on the open-end fund's portfolio composition must be subject to procedures designed to prevent the use and dissemination of material nonpublic information regarding the open-end fund's portfolio.[9] Commentary .06 to Rule 8.600 is similar to Commentary .03(a)(i) and (iii) to NYSE Arca Equities Rule 5.2(j)(3); however, Commentary .06 in connection with the establishment of a ''fire wall'' between the investment adviser and the broker-dealer reflects the applicable open-end fund's portfolio, not an underlying benchmark index, as is the case with index-based funds. The Adviser and Sub-Adviser are not registered as a broker-dealer; however the Adviser is affiliated with a broker-dealer and has implemented a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. In the event (a) the Adviser or any sub-adviser registers as a broker-dealer or becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a fire wall with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding such portfolio.

Principal Fund Investments

According to the Registration Statement, the Fund seeks long-term capital appreciation and income primarily through purchases and short sales of U.S. and international equity securities. The Fund will seek to achieve its investment objective by normally [10] investing up to 100% (but not less than 80%) of its net assets between its Core Position, Dividend Position and Short Position (each as defined below). The Fund expects to invest in a portfolio of U.S. common stocks or exchange traded funds (''ETFs'') selected by the Sub-Adviser to reflect a broad spectrum (i.e., positions in companies of different market capitalizations) of the U.S. equity market (the ''Core Position''). The Fund also expects to invest in a portfolio that

[4] A Managed Fund Share is a security that represents an interest in an investment company registered under the Investment Company Act of 1940 (15 U.S.C. 80a–1) (''1940 Act'') organized as an open-end investment company or similar entity that invests in a portfolio of securities selected by its investment adviser consistent with its investment objectives and policies. In contrast, an open-end investment company that issues Investment Company Units, listed and traded on the Exchange under NYSE Arca Equities Rule 5.2(j)(3), seeks to provide investment results that correspond generally to the price and yield performance of a specific foreign or domestic stock index, fixed income securities index or combination thereof.

[5] The Commission has previously approved listing and trading on the Exchange of a number of actively managed funds under Rule 8.600. *See, e.g.,* Securities Exchange Act Release Nos. 57801 (May 8, 2008), 73 FR 27878 (May 14, 2008) (SR–NYSEArca–2008–31) (order approving Exchange listing and trading of twelve actively-managed funds of the WisdomTree Trust); 60460 (August 7, 2009), 74 FR 41468 (August 17, 2009) (SR–NYSEArca–2009–55) (order approving listing and trading of Dent Tactical ETF); 63076 (October 12, 2010), 75 FR 63874 (October 18, 2010) (SR–NYSEArca–2010–79) (order approving listing and trading of Cambria Global Tactical ETF).

[6] The Trust is registered under the 1940 Act. On April 2, 2013, the Trust filed a registration statement on Form N–1A under the Securities Act of 1933 (the ''1933 Act'') (15 U.S.C. 77a), and under the 1940 Act relating to the Fund (File Nos. 333–187668 and 811–22819) (the ''Registration Statement''). The description of the operation of the Trust and the Fund herein is based, in part, on the Registration Statement. The Trust filed an Amended and Restated Application for an Order under Section 6(c) of the 1940 Act for exemptions from various provisions of the 1940 Act and rules thereunder (File No. 812–14080), dated June 19, 2013 (''Exemptive Application''). The Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. *See* Investment Company Act Release No. 30607 (July 23, 2013) (''Exemptive Order''). Investments made by the Fund will comply with the conditions set forth in the Exemptive Application and the Exemptive Order.

[7] The diversification standard is set forth in Section 5(b)(1) of the 1940 Act.

[8] 26 U.S.C. 851 *et seq.*

[9] An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the ''Advisers Act''). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A–1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with Rule 204A–1 under the Advisers Act. In addition, Rule 206(4)–7 under the Advisers Act makes it unlawful for an investment adviser to provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

[10] The term ''normally'' includes, but is not limited to, the absence of extreme volatility or trading halts in the equity markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. According to the Registration Statement, in certain adverse market, economic, political, or other conditions, the Fund may temporarily depart from its normal investment policies and strategies provided that the alternative is consistent with the Fund's investment objective and is in the best interest of the Fund. The Fund may determine that market conditions warrant investing in cash or cash equivalents, such as money market instruments, and to the extent permitted by applicable law and the Fund's investment restrictions, shares of other investment companies. Under such circumstances, the Fund may invest up to 100% of its assets in these investments.

may contain U.S. and non-U.S. common stocks, American Depositary Receipts (''ADRs''), participation notes, or other equity securities listed on U.S. or non-U.S. exchanges or traded over the counter that the Sub-Adviser expects to generate dividend income to the Fund (the ''Dividend Position''). The Fund also expects to sell short a portfolio of common stocks, index- or sector-based ETFs, other investment companies, exchange traded notes (''ETNs'') and other exchange traded products (''ETPs''),[11] other securities or index- or sector-based futures contracts all of which trade on U.S. and non-U.S. exchanges selected for the purpose of hedging against country or currency risk associated with the investments in the Dividend Position, or because they are likely to underperform the market or lose value in the near term (the ''Short Position'').

The Fund will be an actively managed ETF and thus does not seek to replicate the performance of a specific index. Instead, the Fund will use an active investment strategy to meet its investment objective. The Sub-Adviser, subject to the oversight of the Adviser and the Board of Trustees of the Trust (the ''Board of Trustees''), will have discretion on a daily basis to manage the Fund's portfolio in accordance with the Fund's investment objective and investment policies.

According to the Registration Statement, the Sub-Adviser will typically seek to invest the Core Position in a portfolio of common stocks and ETPs selected by the Sub-Adviser to reflect a broad spectrum (i.e., positions in companies of different market capitalizations) of the U.S. equity market. The Core Position may invest in the common stock of issuers of any market capitalization and there are no requirements as to the number of securities the Core Position must hold.

According to the Registration Statement, the Fund may invest in any type of ETF, including index based ETFs, sector based ETFs, and fixed-income ETFs. The Fund may hold ETFs with portfolios comprised of domestic or foreign stocks or bonds or any combination thereof. However, due to legal limitations, the Fund will be prevented from purchasing more than 3% of an ETF's outstanding shares unless: (i) The ETF or the Fund has received an order for exemptive relief from the 3% limitation from the Commission that is applicable to the Fund; and (ii) the ETF and the Fund take appropriate steps to comply with any conditions in such order.

According to the Registration Statement, in order to implement the Dividend Position's strategy, the Sub-Adviser will seek to maximize the level of dividend income that the Dividend Position receives, through the purchase of U.S. and non-U.S. securities that the Sub-Adviser expects to generate dividend income for the Dividend Position. To participate in non-U.S. developed or emerging markets, the Dividend Position may invest in debt or equity securities, ADRs, participation notes, and other securities listed on U.S. or non-U.S. exchanges or U.S. securities traded over the counter. The Fund will invest only in foreign securities and ADRs that are traded on an exchange that is a member of the Intermarket Surveillance Group (''ISG'') or with which the Exchange has in place a comprehensive surveillance sharing agreement.

According to the Registration Statement, the Sub-Adviser expects to seek to participate in special dividend situations and engage in dividend capture trading. Special dividend situations may include those where issuers decide to return large cash balances to shareholders as one-time dividend payments.[12]

According to the Registration Statement, the Fund expects to establish Short Positions, representing up to 30% of the Fund's principal investments, in securities selected by the Sub-Adviser for the purpose of hedging against country, currency, sector or other risk associated with the investments in the Dividend Position, in an attempt to establish, between the Dividend Position and the Short Positions, a market neutral position with respect to the countries and currency in which the Dividend Position is invested. The Fund may also invest in Short Positions in securities that the Sub-Adviser believes are likely to underperform the market or lose value in the near term. To implement the Short Positions, the Sub-Adviser expects to typically sell short a portfolio of equities, index- or sector-based ETF's, other investment companies, index- or sector-based futures contracts or other securities that trade on U.S. and non-U.S. exchanges.[13] According to the Registration Statement, the proceeds from the Short Positions (i.e., cash received from selling securities short) will typically be used to fund the acquisition of the Fund's investments in the Dividend Position.

Other Fund Investments

According to the Registration Statement, although the Fund expects to invest not less than 80% of its assets as described above, the Fund has flexibility to invest in other types of securities when the Sub-Adviser believes they offer more attractive opportunities or to meet liquidity, redemption, and short-term investing needs.

According to the Registration Statement, the Fund may invest up to 20% of its assets in securities convertible into common stock. Convertible securities eligible for purchase by the Fund include convertible bonds, convertible preferred stocks, and warrants. The Fund will not invest directly in real estate, but may invest in readily marketable securities issued by companies that invest in real estate or interests therein. The Fund may also invest in readily marketable interests in real estate investment trusts.

General Limitations

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid assets (calculated at the time of investment), including Rule 144A securities deemed to be illiquid by the Sub-Adviser. The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid assets. Illiquid assets include assets subject to contractual or other

[11] For purposes of this proposed rule change, ETPs include Investment Company Units (as described in NYSE Arca Equities Rule 5.2(j)(3)); Index-Linked Securities (as described in NYSE Arca Equities Rule 5.2(j)(6)); Portfolio Depositary Receipts (as described in NYSE Arca Equities Rule 8.100); Trust Issued Receipts (as described in NYSE Arca Equities Rule 8.200); Commodity-Based Trust Shares (as described in NYSE Arca Equities Rule 8.201); Currency Trust Shares (as described in NYSE Arca Equities Rule 8.202); Commodity Index Trust Shares (as described in NYSE Arca Equities Rule 8.203); Trust Units (as described in NYSE Arca Equities Rule 8.500); Managed Fund Shares (as described in NYSE Arca Equities Rule 8.600). The ETPs all will be listed and traded in the U.S. on registered exchanges. While the Funds may invest in inverse ETPs, the Funds will not invest in leveraged or inverse leveraged ETPs (e.g., 2X or 3X).

[12] In a dividend capture trade, the Fund sells a stock on or after the stock's dividend date and uses the sale proceeds to purchase one or more other stocks that are expected to pay dividends before the next dividend payment on the stock being sold. Through this rotation practice, the Fund may receive more dividend payments over a given period of time than if it held a single stock.

[13] To participate in non-U.S. developed or emerging markets, the Fund may invest in ETFs, ADRs, futures contracts and other securities listed on U.S. or non-U.S. exchanges or traded over the counter that are intended to track the non-U.S. equity markets or market sectors in which the Sub-Adviser seeks exposure.

restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.[14]

The Fund may lend portfolio securities in an amount equal to up to 33% of its total assets to broker-dealers, major banks, or other recognized domestic institutional borrowers of securities which the Sub-Adviser has determined are creditworthy under guidelines established by the Board of Trustees. The Fund may not lend securities to any company affiliated with the Sub-Adviser. Each loan of securities will be collateralized by cash, securities, or letters of credit. The Fund might experience a loss if the borrower defaults on the loan.

The Fund will not purchase the securities of issuers conducting their principal business activity in the same industry if, immediately after the purchase and as a result thereof, the value of the Fund's investments in that industry would equal or exceed 25% of the current value of the Fund's total assets, provided that this restriction does not limit the Fund's: (i) Investments in securities of other investment companies, (ii) investments in securities issued or guaranteed by the U.S. government, its agencies or instrumentalities, or (iii) investments in repurchase agreements collateralized by U.S. government securities.[15]

The Fund will not invest in swaps. The Fund's investments will be consistent with its respective investment objective.

No more than 10% of the net assets of the Fund will be invested in unsponsored ADRs.

[14] The Commission has stated that long-standing Commission guidelines have required open-end funds to hold no more than 15% of their net assets in illiquid securities and other illiquid assets. *See* Investment Company Act Release No. 28193 (March 11, 2008), 73 FR 14618 (March 18, 2008), footnote 34. *See also,* Investment Company Act Release No. 5847 (October 21, 1969), 35 FR 19989 (December 31, 1970) (Statement Regarding ''Restricted Securities''); Investment Company Act Release No. 18612 (March 12, 1992), 57 FR 9828 (March 20, 1992) (Revisions of Guidelines to Form N–1A). A fund's portfolio security is illiquid if it cannot be disposed of in the ordinary course of business within seven days at approximately the value ascribed to it by the fund. *See* Investment Company Act Release No. 14983 (March 12, 1986), 51 FR 9773 (March 21, 1986) (adopting amendments to Rule 2a–7 under the 1940 Act); Investment Company Act Release No. 17452 (April 23, 1990), 55 FR 17933 (April 30, 1990) (adopting Rule 144A under the 1933 Act).

[15] *See* Form N–1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. *See, e.g.,* Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

Creation and Redemption of Shares

According to the Registration Statement, the Fund will issue and redeem Shares on a continuous basis at net asset value (''NAV'') in aggregations of 50,000 Shares (''Creation Units'').

The consideration for purchase of a Creation Unit of the Fund generally consists of an in-kind deposit of a designated portfolio of securities (the ''Deposit Securities'') per each Creation Unit constituting a substantial replication, or a representation, of the securities included in the Fund's portfolio and an amount of cash (the ''Cash Component''). Together, the Deposit Securities and the Cash Component constitute the ''Fund Deposit,'' which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund.

The Cash Component is an amount equal to the difference between the NAV of the shares (per Creation Unit) and the market value of the Deposit Securities. If the Cash Component is a positive number (*i.e.,* the NAV per Creation Unit exceeds the market value of the Deposit Securities), the Cash Component shall be such positive amount. If the Cash Component is a negative number (*i.e.,* the NAV per Creation Unit is less than the market value of the Deposit Securities), the Cash Component shall be such negative amount and the creator will be entitled to receive cash from the Fund in an amount equal to the Cash Component. The Cash Component serves the function of compensating for any differences between the NAV per Creation Unit and the market value of the Deposit Securities.

The Administrator, through the National Securities Clearing Corporation (''NSCC''), makes available on each business day, immediately prior to the opening of business on the Exchange (currently 9:30 a.m., Eastern Time), the list of the names and the required number of shares of each Deposit Security to be included in the current Fund Deposit (based on information at the end of the previous business day) for the Fund. Such Fund Deposit is applicable in order to effect creations of Creation Units of the Fund until such time as the next-announced composition of the Deposit Securities is made available.

The identity and number of shares of the Deposit Securities required for the Fund Deposit for the Fund changes as rebalancing adjustments and corporate action events are reflected from time to time by the portfolio managers with a view to the investment objective of the Fund. In addition, the Trust reserves the right to permit or require the substitution of an amount of cash to be added to the Cash Component to replace any Deposit Security which may not be available. In addition to the list of names and numbers of securities constituting the current Deposit Securities of the Fund Deposit, the Administrator, through the NSCC, also makes available on each business day, the estimated Cash Component, effective through and including the previous business day, per outstanding Creation Unit of the Fund.

All purchase orders must be placed by or through an ''Authorized Participant.'' An Authorized Participant must be either a broker-dealer or other participant in the Continuous Net Settlement System (''Clearing Process'') of the NSCC or a participant in The Depository Trust Company (''DTC'') with access to the DTC system, and must execute an agreement with the Trust, the Distributor and the Administrator that governs transactions in the Fund's Creation Units.

Fund Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Distributor and the Fund through the Administrator and only on a business day. The Trust will not redeem shares in amounts less than Creation Units.

The redemption proceeds for a Creation Unit generally will consist of securities held by the Fund (the ''Fund Securities'') (as announced on the Fund's Web site prior to the commencement of trading on the business day of the request for redemption received in proper form) plus cash in an amount equal to the difference between the NAV of the shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the ''Cash Redemption Amount''), less a redemption transaction fee. In the event that the Fund Securities have a value greater than the NAV of the shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder.

The right of redemption may be suspended or the date of payment postponed with respect to the Fund (1) for any period during which the Exchange is closed (other than customary weekend and holiday closings); (2) for any period during which trading on the Exchange is suspended or restricted; (3) for any period during which an emergency exists as a result of which disposal of the shares of the Fund or determination

of the shares' NAV is not reasonably practicable; [16] or (4) in such other circumstance as is permitted by the Commission.

Detailed descriptions of the Fund's procedures for creating and redeeming Shares, transaction fees and expenses, dividends, distributions, taxes, risks, and reports to be distributed to beneficial owners of the Shares can be found in the Registration Statement or on the Web site for the Fund (*www.mannaetfs.com*), as applicable.

Determination of Net Asset Value

According to the Registration Statement, the NAV per Share for the Fund will be computed by dividing the value of the net assets of the Fund (*i.e.,* the value of its total assets less total liabilities) by the total number of Shares outstanding, rounded to the nearest cent. Expenses and fees, including the management fee, will be accrued daily and taken into account for purposes of determining NAV. The NAV of the Fund will be determined as of the close of the regular trading session on the Exchange (ordinarily 4:00 p.m., Eastern time) on each day that such exchange is open.

In computing the Fund's NAV, the value of the Fund's portfolio holdings is based on such holdings' closing price on local markets when available. When a portfolio holding's market price is not readily available or does not otherwise accurately reflect the fair value of such security, the Fund will use such holding's fair value as determined in good faith in accordance with the Fund's fair value pricing procedures, which will be approved by the Board of Trustees. Fair value pricing may be used, for example, in situations where (i) portfolio holdings, such as holdings with small capitalizations, are so thinly traded that there have been no transactions for that portfolio holding over an extended period of time; (ii) an event occurs after the close of the exchange on which a portfolio holding is principally traded that is likely to change the value of the portfolio holding prior to the Fund's NAV calculation; (iii) the exchange on which the portfolio holding is principally traded closes early; or (iv) trading of the particular portfolio holding is halted during the day and does not resume prior to the Fund's NAV calculation. In addition, the Fund may fair value foreign equity portfolio holdings each day the Fund calculates its NAV. Accordingly, the Fund's NAV may reflect certain portfolio holdings' fair values rather than their market prices.

In valuing non-exchange traded securities, the Fund will first use publicly-available pricing sources, including Bloomberg, IDC, and Reuters. Non-exchange traded securities will only be fair valued if their market prices are not readily available.

To the extent the assets of the Fund are invested in the other open-end investment companies that are registered under the 1940 Act, the Fund's NAV is calculated based upon the NAVs reported by such registered open-end investment companies, and the prospectuses for these companies explain the circumstances under which they will use fair value pricing and the effects of using fair value pricing.

Availability of Information

The Fund's Web site (*www.mannaetfs.com*), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The Fund's Web site will include additional quantitative information updated on a daily basis, including, for the Fund, (1) the prior business day's reported closing price, NAV and mid-point of the bid/ask spread at the time of calculation of such NAV (the ''Bid/Ask Price''),[17] and a calculation of the premium and discount of the Bid/Ask Price against the NAV, and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day.[18]

On a daily basis, the Adviser will disclose for each portfolio security or other financial instrument of the Fund the following information on the Fund's Web site: Ticker symbol (if applicable), name of security and financial instrument, number of shares or dollar value of financial instruments held in the portfolio, and percentage weighting of the security and financial instrument in the portfolio. The Web site information will be publicly available at no charge.

In addition, a basket composition file, which includes the security names and share quantities required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of the NYSE via NSCC. The basket will represent one Creation Unit of Shares of the Fund.

Investors can also obtain the Trust's Statement of Additional Information (''SAI''), the Fund's Shareholder Reports, and the Trust's Form N–CSR and Form N–SAR, filed twice a year. The Trust's SAI and Shareholder Reports are available free upon request from the Trust, and those documents and the Form N–CSR and Form N–SAR may be viewed on-screen or downloaded from the Commission's Web site at *www.sec.gov.* Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares are expected to be published daily in the financial section of newspapers. Quotation and last sale information for the Shares and any underlying ETPs, sponsored ADRs and common stock will be available via the Consolidated Tape Association (''CTA'') high-speed line. In addition, the Indicative Optimized Portfolio Value (''IOPV''),[19] which is the Portfolio Indicative Value as defined in NYSE Arca Equities Rule 8.600(c)(3), will be widely disseminated at least every 15 seconds during the Core Trading Session by one or more major market data vendors.[20] Price information for

[16] Pursuant to NYSE Arca Equities Rule 7.34(5), trading in the Shares will be halted if the Fund's NAV is not calculated.

[17] The Bid/Ask Price of the Fund will be determined using the mid-point of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund's NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

[18] Under accounting procedures to be followed by the Fund, trades made on the prior business day (''T'') will be booked and reflected in NAV on the current business day (''T+1''). Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

[19] The IOPV calculations will be estimates of the value of the Fund's NAV per Share using market data converted into U.S. dollars at the current currency rates. The IOPV price will be based on quotes and closing prices from the securities' local market and may not reflect events that occur subsequent to the local market's close. The quotations of certain Fund holdings may not be updated during U.S. trading hours if such holdings do not trade in the United States. Premiums and discounts between the IOPV and the market price may occur. This should not be viewed as a ''real-time'' update of the NAV per Share of the Fund, which will be calculated only once a day.

[20] Currently, it is the Exchange's understanding that several major market data vendors display and/or make widely available IOPVs taken from the CTA or other data feeds.

futures and non-exchange traded securities held by the Fund will be available from publicly-available pricing sources, including Bloomberg, IDC, and Reuters.

The IOPV will be calculated by an independent third party calculator and will be calculated based on the same portfolio holdings disclosed on the Fund's Web site.

The dissemination of the IOPV, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and to provide a close estimate of that value throughout the trading day. The intra-day, closing and settlement prices of the portfolio securities and other Fund investments will also be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, or on-line information services such as Bloomberg or Reuters.

Additional information regarding the Trust and the Shares, including investment strategies, risks, creation and redemption procedures, fees, portfolio holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund.[21] Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached. Trading also may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments comprising the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares may be halted.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. Shares will trade on the NYSE Arca Marketplace from 4:00 a.m. to 8:00 p.m. Eastern time in accordance with NYSE Arca Equities Rule 7.34 (Opening, Core, and Late Trading Sessions). The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in NYSE Arca Equities Rule 7.6, Commentary .03, the minimum price variation (''MPV'') for quoting and entry of orders in equity securities traded on the NYSE Arca Marketplace is $0.01, with the exception of securities that are priced less than $1.00 for which the MPV for order entry is $0.0001.

The Shares will conform to the initial and continued listing criteria under NYSE Arca Equities Rule 8.600. The Exchange represents that, for initial and/or continued listing, the Fund will be in compliance with Rule 10A–3 [22] under the Act, as provided by NYSE Arca Equities Rule 5.3. A minimum of 100,000 Shares for the Fund will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio as defined in NYSE Arca Equities Rule 8.600(c)(2) will be made available to all market participants at the same time.

Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws.[23] The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares and exchange-traded securities held by the Fund with other markets that are members of the ISG and FINRA, on behalf of the Exchange, may obtain trading information regarding trading in the Shares and exchange-traded securities held by the Fund from such markets or other entities. In addition, the Exchange may obtain information regarding trading in the Shares and exchange-traded securities held by the Fund from markets and other entities that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.[24]

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

Information Bulletin

Prior to the commencement of trading, the Exchange will inform its Equity Trading Permit (''ETP'') Holders in an Information Bulletin (''Bulletin'') of the special characteristics and risks associated with trading the Shares. Specifically, the Bulletin will discuss the following: (1) The procedures for purchases and redemptions of Shares in Creation Unit aggregations (and that Shares are not individually redeemable); (2) NYSE Arca Equities Rule 9.2(a), which imposes a duty of due diligence on its ETP Holders to learn the essential facts relating to every customer prior to trading the Shares; (3) the risks involved in trading the Shares during the Opening and Late Trading Sessions when an updated IOPV will not be calculated or publicly disseminated; (4) how information regarding the IOPV is disseminated; (5) the requirement that ETP Holders deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information.

In addition, the Bulletin will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Bulletin will discuss any exemptive, no-action, and interpretive relief granted by the Commission from any rules under the Act. The Bulletin will also disclose that the NAV for the Shares will be

[21] *See* NYSE Arca Equities Rule 7.12, Commentary .04.

[22] 17 CFR 240.10A–3.

[23] FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

[24] For a list of the current members of ISG, see *www.isgportal.org.* The Exchange notes that not all components of the Disclosed Portfolio for the Fund may trade on markets that are members of ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.

calculated after 4:00 p.m. Eastern time each trading day.

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) [25] that an exchange have rules that are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to, and perfect the mechanism of a free and open market and, in general, to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in NYSE Arca Equities Rule 8.600. The Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws. The Adviser is affiliated with a broker-dealer and has implemented a fire wall with respect to such broker-dealer regarding access to information concerning the composition and/or changes to the portfolio, and will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the portfolio. In the event (a) the Adviser or the Sub-Adviser becomes newly affiliated with a broker-dealer, or (b) any new adviser or sub-adviser is a registered broker-dealer or becomes affiliated with a broker-dealer, they will implement a ''fire wall'' with respect to their relevant personnel or broker-dealer affiliate regarding access to information concerning the composition and/or changes to the Fund's portfolio. FINRA, on behalf of the Exchange, may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. It is expected that not more than 10% of the net assets of the Fund will be invested in unsponsored ADRs. The Fund will invest only in foreign securities and ADRs that are traded on an exchange that is a member of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Fund may invest up to 15% of its net assets in illiquid securities (calculated at the time of investment), including Rule 144A securities deemed illiquid by the Sub-Adviser.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information is publicly available regarding the Fund and the Shares, thereby promoting market transparency. Moreover, the IOPV will be widely disseminated by one or more major market data vendors at least every 15 seconds during the Exchange's Core Trading Session. On each business day, before commencement of trading in Shares in the Core Trading Session on the Exchange, the Fund will disclose on its Web site the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information will be available via the CTA high-speed line. The Web site for the Fund will include the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Moreover, prior to the commencement of trading, the Exchange will inform its ETP Holders in an Information Bulletin of the special characteristics and risks associated with trading the Shares. Trading in Shares of the Fund will be halted if the circuit breaker parameters in NYSE Arca Equities Rule 7.12 have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to NYSE Arca Equities Rule 8.600(d)(2)(D), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Shares will be subject to the existing trading surveillances, administered by FINRA on behalf of the Exchange, which are designed to detect violations of Exchange rules and applicable federal securities laws and FINRA, on behalf of the Exchange, may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the IOPV, the Disclosed Portfolio, and quotation and last sale information for the Shares. The Fund's investments will be consistent with its investment objective and will not be used to enhance leverage.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change will facilitate the listing and trading of an additional type of actively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule

[25] 15 U.S.C. 78f(b)(5).

change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEArca–2013–111 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEArca–2013–111. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEArca–2013–111, and should be submitted on or before November 29, 2013.[26]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–26663 Filed 11–6–13; 8:45 am]

BILLING CODE 8011–01–P

[26] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70797; File No. SR–BOX–2013–43]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Designation of Longer Period for Commission Action on Proposed Rule Change To Permit Complex Orders To Participate in Price Improvement Periods

November 1, 2013.

On September 5, 2013, BOX Options Exchange LLC (''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to add new BOX Rule 7245 to permit Complex Orders to participate in Price Improvement Periods (the ''COPIP'') and to make certain other conforming and clarifying changes to accommodate the new COPIP Rule. The proposed rule change was published for comment in the **Federal Register** on September 23, 2013.[3] The Commission has received no comment letters on the proposal.

Section 19(b)(2) of the Act [4] provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether these proposed rule changes should be disapproved. The 45th day for this filing is November 7, 2013.

The Commission is extending the 45-day time period for Commission action on the proposed rule change. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider and take action on the Exchange's proposed rule change.

Accordingly, pursuant to Section 19(b)(2)(A)(ii)(I) of the Act [5] and for the reasons stated above, the Commission designates December 20, 2013, as the date by which the Commission should either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–BOX–2013–43).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–26662 Filed 11–6–13; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 70427 (September 17, 2013), 78 FR 58364.

[4] 15 U.S.C. 78s(b)(2).

[5] 15 U.S.C. 78s(b)(2)(A)(ii)(I).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70799; File No. SR–NYSEMKT–2013–87]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing of Proposed Rule Change Regarding Elimination of the Cancellation Fee From the NYSE Amex Options Fee Schedule

November 1, 2013.

Pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (the ''Act'') [2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on October 29, 2013, NYSE MKT LLC (the ''Exchange'' or ''NYSE MKT'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to eliminate the Cancellation Fee from the NYSE Amex Options Fee Schedule (''Fee Schedule''). The Exchange proposes to implement the fee change effective November 1, 2013. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of,

[6] 17 CFR 200.30–3(a)(31).

[1] 15 U.S.C.78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to eliminate the Cancellation Fee from the Fee Schedule. The Exchange proposes to implement the fee change effective November 1, 2013.

The Exchange added the Cancellation Fee to the Fee Schedule in March 2009.[4] The Exchange assesses a Cancellation Fee of $1.50 on an executing clearing member for each cancelled public customer order for both Mini and standard option contracts (origin code ''C'') in excess of the number of public customer orders for both Mini and standard option contracts that the executing clearing member executes in a month for itself or for a correspondent firm. All public customer orders for both Mini and standard option contracts from the same executing clearing member for itself or for such correspondent firm executed in the same series on the same side of the market at the same price within a 300-second period are aggregated and counted as one executed order for purposes of the Cancellation Fee. If an executing clearing member cancels fewer than 500 public customer orders for both Mini and standard option contracts in a month for itself or for a correspondent firm, then the Cancellation Fee does not apply. The Cancellation Fee also does not apply to cancelled orders, for both Mini and standard option contracts, that improve the Exchange's prevailing best bid and offer (''BBO'') at the time the orders are received, or to Professional Customer orders. The Cancellation Fee was adopted to encourage the efficient use of the Exchange's system capacity; the Exchange noted that excessive order cancelling had the residual effect of exhausting system resources, bandwidth, and capacity.[5]

In 2011, the Exchange adopted Excessive Bandwidth Utilization Fees,[6] which have reduced the need to continue to charge the Cancellation Fee. The Excessive Bandwidth Utilization Fees have two components, the Order to Trade Ratio Fee and the Messages to Contracts Traded Ratio Fee. The Order to Trade Ratio Fee assesses a charge of $5,000 to $35,000 per month on an ATP Holder entering a large number of orders that do not subsequently execute if the ATP Holder fails to achieve a certain execution ratio. The Messages to Contracts Traded Ratio Fee is $0.01 per 1,000 messages in excess of 1.5 billion messages in a calendar month if the ATP Holder does not execute at least one contract for every 1,500–5,000 messages entered, as determined by the Exchange. Both fees target excessive activity by requiring a certain level of executed orders to avoid incurring the fees.

ATP Holders that become subject to more than one of the three fees (Cancellation, Order to Trade Ratio, and/or Messages to Contracts Traded Ratio) in any one month are only charged the highest of the three fees.[7] As such, the Exchange believes that it can eliminate the Cancellation Fee but continue to discourage inefficient activity by continuing to charge the Excessive Bandwidth Utilization Fees. The Exchange believes that the Excessive Bandwidth Utilization Fees will adequately incent ATP Holders to utilize the Exchange's system capacity in a rational manner.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, because it provides for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities and does not unfairly discriminate between customers, issuers, brokers or dealers. The Exchange believes that eliminating the Cancellation Fee is reasonable because the Exchange will continue to have Excessive Bandwidth Utilization Fees that will discourage inefficient use of the Exchange's system capacity. The Exchange believes that the proposed change is also equitable and not unfairly discriminatory. The Cancellation Fee only applies to public customer orders while the Excessive Bandwidth Utilization Fees are applicable to all of an ATP Holder's activity. The Exchange believes that retaining a fee that discourages excessive cancellations and encourages efficient use of the Exchange's system capacity irrespective of account type (Customer, Professional Customer, Firm, etc.) will result in more equitable treatment of market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[10] the Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change is not intended to address a competitive issue but rather is intended to encourage efficient use of the Exchange's system capacity. Because competitors are free to modify their own fees and credits in response, and because market participants may readily adjust their trading practices, the Exchange believes that the degree to which fee or credit changes in this market may impose any burden on competition is extremely limited. As a result of all of these considerations, the Exchange does not believe that the proposed change will impair the ability of ATP Holders or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A) [11] of the Act and subparagraph (f)(2) of Rule 19b–4 [12] thereunder, because it establishes a due, fee, or other charge imposed by the Exchange.

At any time within 60 days of the filing of such proposed rule change, the Commission summarily may

[4] *See* Securities Exchange Act Release No. 59658 (March 31, 2009), 74 FR 15569 (April 6, 2009) (SR–NYSEAmex–2009–01).

[5] *Id.* at 15570.

[6] *See* Securities Exchange Act Release No. 64655 (June 13, 2011), 76 FR 35495 (June 17, 2011) (SR–NYSEAmex–2011–37).

[7] *See* endnote 12 to the Fee Schedule, available at *https://globalderivatives.nyx.com/sites/globalderivatives.nyx.com/files/nyse_amex_options_fee_schedule_10_1_13.pdf.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

[10] 15 U.S.C. 78f(b)(8).

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(2).

temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–NYSEMKT–2013–87 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–87. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room at 100 F Street NE., Washington, DC 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NYSEMKT–2013–87, and should be submitted on or before November 29, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–26664 Filed 11–6–13; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13807 and #13808]

Santa Clara Pueblo Disaster #NM–00039

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Santa Clara Pueblo (FEMA–4151–DR), dated 10/29/2013.

Incident: Severe Storms and Flooding.

Incident Period: 09/13/2013 through 09/16/2013.

Effective Date: 10/29/2013.

Physical Loan Application Deadline Date: 12/30/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 07/29/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/29/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Areas: Santa Clara Pueblo.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	2.875
Non-Profit Organizations without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13807B and for economic injury is 13808B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–26707 Filed 11–6–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13809 and #13810]

New Mexico Disaster #NM–00035

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Mexico (FEMA–4152–DR), dated 10/29/2013.

Incident: Severe storms, flooding, and mudslides.

Incident Period: 09/09/2013 through 09/22/2013.

Effective Date: 10/29/2013.

Physical Loan Application Deadline Date: 12/30/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 07/29/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/29/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Catron, Chaves, Cibola, Colfax, Eddy, Guadalupe, Los Alamos, Mckinley, Mora, San Miguel, Sandoval, Santa Fe, Sierra, Socorro, Torrance.

[13] 17 CFR 200.30–3(a)(12).

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13809B and for economic injury is 13810B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–26716 Filed 11–6–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13813]

Massachusetts Disaster #MA–00056 Declaration of Economic Injury

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Economic Injury Disaster Loan (EIDL) declaration for the Commonwealth of Massachusetts, dated 11/01/2013.

Incident: Commercial Fishery Failure.

Incident Period: 05/01/2013 through 04/30/2014.

Effective Date: 11/01/2013.

EIDL Loan Application Deadline Date: 08/01/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's EIDL declaration, applications for economic injury disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Essex, Plymouth.

Contiguous Counties:

Massachusetts: Barnstable, Bristol, Middlesex, Norfolk, Suffolk.

New Hampshire: Hillsborough, Rockingham.

The Interest Rates are:

	Percent
Businesses And Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for economic injury is 138130.

The States which received an EIDL Declaration # are Massachusetts, New Hampshire.

(Catalog of Federal Domestic Assistance Number 59002).

Dated: November 1, 2013.

Jeanne Hulit,

Acting Administrator.

[FR Doc. 2013–26738 Filed 11–6–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13811 and #13812]

North Carolina Disaster #NC–00057

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Carolina (FEMA–4153–DR), dated 10/29/2013.

Incident: Severe Storms, Flooding, Landslides, and Mudslides.

Incident Period: 07/27/2013.

Effective Date: 10/29/2013.

Physical Loan Application Deadline Date: 12/30/2013.

Economic Injury (EIDL) Loan Application Deadline Date: 07/29/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 10/29/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Ashe, Avery, Catawba, Lincoln, Watauga, Wilkes.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13811B and for economic injury is 13812B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008).

James E. Rivera,

Associate Administrator, for Disaster Assistance.

[FR Doc. 2013–26709 Filed 11–6–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

National Small Business Development Center Advisory Board

AGENCY: U.S. Small Business Administration (SBA).

ACTION: Notice of open Federal Advisory Committee meetings.

SUMMARY: The SBA is issuing this notice to announce the change in date and time and agenda for November 19, 2013 and the cancellation for the December 17, 2013 meeting of the National Small Business Development Center (SBDC) Advisory Board.

DATES: The meeting for November will be held on the following date: Tuesday, November 26, 2013 at 1:00 p.m. EST; Tuesday, December 17, 2013 at 1:00 p.m. EST—Cancelled.

ADDRESSES: This meeting will be held via conference call.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a) of the Federal Advisory Committee Act (5 U.S.C. Appendix 2), SBA announces the meetings of the National SBDC Advisory Board. This Board provides advice and counsel to the SBA Administrator and Associate Administrator for Small Business Development Centers.

The purpose of this meeting is to discuss following issues pertaining to the SBDC Advisory Board.:

—SBA Update
—Annual Meetings
—Board Assignments
—Member Roundtable

FOR FURTHER INFORMATION CONTACT: The meeting is open to the public however advance notice of attendance is requested. Anyone wishing to be a listening participant must contact Monika Cuff by fax or email. Her contact information is Monika Cuff, Program Specialist, 409 Third Street SW., Washington, DC 20416, Phone, 202–205–7310, Fax 202–481–5624, email, *monika.cuff@sba.gov*

Additionally, if you need accommodations because of a disability or require additional information, please contact Monika Cuff at the information above.

Diana Doukas,

Committee Management Officer.

[FR Doc. 2013–26740 Filed 11–6–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF STATE

[Public Notice 8514]

International Security Advisory Board (ISAB); Meeting Notice; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App § 10(a)(2), the Department of State announces a meeting of the International Security Advisory Board (ISAB) to take place on December 3, 2013, at the Department of State, Washington, DC.

Pursuant to section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. App 10(d), and 5 U.S.C. 552b(c)(1), it has been determined that this Board meeting will be closed to the public because the Board will be reviewing and discussing matters properly classified in accordance with Executive Order 13526. The purpose of the ISAB is to provide the Department with a continuing source of independent advice on all aspects of arms control, disarmament, nonproliferation, political-military affairs, international security, and related aspects of public diplomacy. The agenda for this meeting will include classified discussions related to the Board's studies on current U.S. policy and issues regarding arms control, international security, nuclear proliferation, cyber stability, energy security, and diplomacy.

For more information, contact Richard W. Hartman II, Executive Director of the International Security Advisory Board, U.S. Department of State, Washington, DC 20520, telephone: (202) 736–4290.

Dated: October 25, 2013.

Richard W. Hartman, II,

Executive Director, International Security Advisory Board, U.S. Department of State.

[FR Doc. 2013–26724 Filed 11–6–13; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF STATE

[Public Notice 8513]

U.S. National Commission for UNESCO; Notice of Meeting

The 2013 Annual Meeting of the U.S. National Commission for the United Nations Educational, Scientific, and Cultural Organization (UNESCO) will take place on Monday, December 16, 2013, at the U.S. Department of State in Washington, DC. (2201 C Street NW.) The Commission will hold a series of informational plenary sessions, subject-specific committee and thematic breakout sessions and discuss final recommendations, which will be open to the public 10:00 a.m. to 12:30 p.m. and from 2:00 p.m. to approximately 4:30 p.m.

Members of the public who wish to attend any of these meetings or who need reasonable accommodation should contact the U.S. National Commission for UNESCO at the email address below no later than Monday, December 9th for further information about admission, as seating is limited. Those who wish to make oral comments during the public comment section held during the afternoon session should request to be scheduled by Monday, December 9th session. Each individual will be limited to five minutes, with the total oral comment period not exceeding thirty minutes.

Access to the building is strictly controlled. For pre-clearance purposes, those planning to attend will need to provide full name, address, date of birth, citizenship, driver's license or passport number, and email address. This information will greatly facilitate entry into the building.

Written comments should be submitted by Friday, December 6th to allow time for distribution to the Commission members prior to the meeting. The National Commission may be contacted via email at *DCUNESCO@state.gov*, or via phone at (202) 663–0026. The Web site can be accessed at: *http://www.state.gov/p/io/unesco/.*

Personal information regarding attendees is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and *Executive Order 13356.* The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Dated: October 31, 2013.

Allison Wright,

Executive Director, U.S. National Commission for UNESCO, Department of State.

[FR Doc. 2013–26725 Filed 11–6–13; 8:45 am]

BILLING CODE 4710–19–P

DEPARTMENT OF STATE

[Public Notice 8512]

Bureau of Political-Military Affairs; Statutory Debarment Under the Arms Export Control Act and the International Traffic in Arms Regulations

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of State has imposed statutory debarment pursuant to § 127.7(c) of the International Traffic in Arms Regulations (''ITAR'') (22 CFR parts 120 to 130) on persons convicted of violating, or conspiracy to violate, Section 38 of the Arms Export Control Act, as amended, (''AECA'') (22 U.S.C. 2778).

DATES: *Effective Date:* The effective date is the date of this notice.

FOR FURTHER INFORMATION CONTACT: Daniel J. Buzby, Acting Director, Office of Defense Trade Controls Compliance, Bureau of Political-Military Affairs, Department of State (202) 632–2872.

SUPPLEMENTARY INFORMATION: Section 38(g)(4) of the AECA, 22 U.S.C. 2778(g)(4), prohibits the Department of State from issuing licenses or other approvals for the export of defense articles or defense services where the applicant, or any party to the export, has been convicted of violating certain statutes, including the AECA. The statute permits limited exceptions to be made on a case-by-case basis. In implementing this provision, Section 127.7 of the ITAR provides for ''statutory debarment'' of any person who has been convicted of violating or conspiring to violate the AECA. Persons subject to statutory debarment are prohibited from participating directly or indirectly in the export of defense

articles, including technical data, or in the furnishing of defense services for which a license or other approval is required.

Statutory debarment is based solely upon conviction in a criminal proceeding, conducted by a United States Court, and as such the administrative debarment procedures outlined in Part 128 of the ITAR are not applicable.

The period for debarment will be determined by the Assistant Secretary for Political-Military Affairs based on the underlying nature of the violations, but will generally be for three years from the date of conviction. Export privileges may be reinstated only at the request of the debarred person followed by the necessary interagency consultations, after a thorough review of the circumstances surrounding the conviction, and a finding that appropriate steps have been taken to mitigate any law enforcement concerns, as required by Section 38(g)(4) of the AECA. Unless export privileges are reinstated, however, the person remains debarred.

Department of State policy permits debarred persons to apply to the Director, Office of Defense Trade Controls Compliance, for reinstatement beginning one year after the date of the debarment. Any decision to grant reinstatement can be made only after the statutory requirements of Section 38(g)(4) of the AECA have been satisfied.

Exceptions, also known as transaction exceptions, may be made to this debarment determination on a case-by-case basis at the discretion of the Assistant Secretary of State for Political-Military Affairs, after consulting with the appropriate U.S. agencies. However, such an exception would be granted only after a full review of all circumstances, paying particular attention to the following factors: Whether an exception is warranted by overriding U.S. foreign policy or national security interests; whether an exception would further law enforcement concerns that are consistent with the foreign policy or national security interests of the United States; or whether other compelling circumstances exist that are consistent with the foreign policy or national security interests of the United States, and that do not conflict with law enforcement concerns. Even if exceptions are granted, the debarment continues until subsequent reinstatement.

Pursuant to Section 38(g)(4) of the AECA and Section 127.7(c) of the ITAR, the following persons are statutorily debarred as of the date of this notice (Name; Date of Conviction; District; Case No.; Month/Year of Birth):

(1) Gabriel Justin Aguirre; October 16, 2012; U.S. District Court, District of Arizona; Case No. CR 11–01715–004–PHX–NVW; February 1987.

(2) Rene Alexandre; March 16, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR00626–S2–001; January 1983.

(3) Jaime Ariel Amaya-Garcia; March 16, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR00626–002; April 1959.

(4) Jonathan Arellano; January 14, 2013; U.S. District Court, District of Arizona; Case No. CR 11–01715–008–PHX–NVW; October 1991.

(5) Everardo Eleazar Avendano-Camacho; March 25, 2013; U.S. District Court, District of Arizona; Case No. CR 12–00812–001–PHX–DGC; December 1980.

(6) Michael Bartch, Sr.; April 22, 2013; U.S. District Court, Western District of Texas; Case No. W–12–CR–018(01); November 1949.

(7) Aliaksandr Belski, (aka Alex Belski); July 18, 2013; U.S. District Court, Eastern District of Pennsylvania; Case No. 2:11CR000449–002; December 1980.

(8) Brian Keith Bishop; May 7, 2013; U.S. District Court, Eastern District of Virginia; Case No. 1:12CR00395–001; November 1973.

(9) Ivon Castaneda; December 20, 2012; U.S. District Court, Southern District of Florida; Case No. 1:12–20383–CR–LENARD–4; March 1967.

(10) Martyn Caulfield, (aka Martin Caulfield, Martin Butt); October 29, 2012; U.S. District Court, Northern District of Florida; Case No. 3:12cr47–001LAC; December 1956.

(11) Ernest Chornoletskyy, (aka Erik Chornoletskyy); August 21, 2013; U.S. District Court, Eastern District of Pennsylvania; Case No. 2:11CR000449–006; September 1984.

(12) Guadalupe Santos Cisneros; December 4, 2012; U.S. District Court, District of Arizona; Case No. CR 11–01715–010–PHX–NVW; March 1991.

(13) Demetrio Cortez-Salgado, (aka Demetrio Cortez-Ordaz); September 11, 2013; U.S. District Court, Eastern District of California; Case No. 1:11–CR–00376–003; December 1966.

(14) Erasmo Gallegos-Gutierrez; October 16, 2012; U.S. District Court, District of Arizona; Case No. CR 11–01715–005–PHX–NVW; February 1972.

(15) Manuel Homero Garces; February 6, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR01228–001; October 1990.

(16) Elvin Garrido; June 4, 2013; U.S. District Court, Southern District of Florida; Case No. 13–20070–CR-Martinez; June 1977.

(17) Ramiro Garza-Gonzalez; May 17, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR01579–001; January 1976.

(18) James Charles Gidaro; January 8, 2013; U.S. District Court, District of Arizona; Case No. CR 11–01715–013–PHX–NVW; April 1971.

(19) Marco Antonio Hernandez-Vallejo; May 27, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR02010–001; September 1992.

(20) Sixing Liu, (aka Steve Liu); March 26, 2013; U.S. District Court, District of New Jersey; Case No. 2:11CR208(SRC)(1); May 1963.

(21) Jesus Humberto Lopez-Estrada; February 5, 2013; U.S. District Court, District of Arizona; Case No. CR 11–01715–001–PHX–NVW; December 1978.

(22) Kevin Robert Mejia; October 26, 2012; U.S. District Court, District of Arizona; Case No. CR 11–01715–007–PHX–NVW; October 1986.

(23) Javier Molina; August 21, 2012; U.S. District Court, Southern District of Mississippi; Case No. 1:11CR103–1; October 1962.

(24) Joshua Isaac Ortega; January 8, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR01135–001; September 1991.

(25) Mario Obdulio Padilla; December 18, 2012; U.S. District Court, Southern District of Florida; Case No. 1:12–20383–CR–LENARD–3; August 1947.

(26) Esther Rizo; January 11, 2013; U.S. District Court, Southern District of California; Case No. 12CR0806–H; December 1985.

(27) Carlos Rubio-Tovias; November 28, 2012; U.S. District Court, Southern District of Texas; Case No. 7:12CR01135–002; November 1987.

(28) Jose Luis Santos-Garcia; August 22, 2012; U.S. District Court, Southern District of Mississippi; Case No. 1:11CR103–2; September 1968.

(29) Michael Barry Shor; April 6, 2012; U.S. District Court, Northern District of California; Case No. CR–10–00434–001; October 1951.

(30) Floyd Dean Stilwell; May 14, 2013; U.S. District Court, District of Arizona; Case No. CR 10–01463–001–PHX–PGR; September 1926.

(31) Joel Robert Stone; January 25, 2013; U.S. District Court, Western District of Texas; Case No. W–12–CR–017(01); December 1965.

(32) Christopher Harold Tappin; January 9, 2013; U.S. District Court, Western District of Texas; Case No. EP–07–CR–249–DB(1); November 1946.

(33) Anthony J. Torresi; July 18, 2013; U.S. District Court, District of Maryland; Case No. ELH–1–11–CR–0513–001; August 1978.

(34) Vitali Tsishuk; February 14, 2013; U.S. District Court, Eastern District of Pennsylvania; Case No. 2:11CR000449–005; November 1982.

(35) Juan Luis Vargas-Yanez; May 14, 2013; U.S. District Court, Southern District of Texas; Case No. 7:12CR01580–001; October 1983.

(36) Ming Xie, (aka Michael Xie); May 22, 2013; U.S. District Court, District of New Jersey; Case No. CR. 1:11–00608–001(RMB); May 1957.

(37) Kevin Zhang, (aka Zhao Wei Zhang); April 17, 2013; U.S. District Court, Southern District of California; Case No. 11CR0212–MMA; January 1971.

As noted above, at the end of the three-year period following the date of this notice, the above named persons/entities remain debarred unless export privileges are reinstated.

Debarred persons are generally ineligible to participate in activity regulated under the ITAR (see e.g., sections 120.1(c) and (d), and 127.11(a)). Also, under Section 127.1(d) of the ITAR, any person who has knowledge that another person is subject to debarment or is otherwise ineligible may not, without disclosure to and written approval from the Directorate of Defense Trade Controls, participate, directly or indirectly, in any ITAR-controlled export in which such ineligible person may benefit there from or have a direct or indirect interest therein.

This notice is provided for purposes of making the public aware that the persons listed above are prohibited from participating directly or indirectly in activities regulated by the ITAR, including any brokering activities and in any export from or temporary import into the United States of defense articles, related technical data, or defense services in all situations covered by the ITAR. Specific case information may be obtained from the Office of the Clerk for the U.S. District Courts mentioned above and by citing the court case number where provided.

Dated: October 28, 2013.

Tom Kelly,

Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State.

[FR Doc. 2013–26774 Filed 11–6–13; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2013–51]

Petition for Exemption; Summary of Petition Received

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Title 14, Code of Federal Regulations (14 CFR). The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of the FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATE: Comments on this petition must identify the petition docket number involved and must be received on or before November 27, 2013.

ADDRESSES: You may send comments identified by docket number FAA–2011–0883 using any of the following methods:

- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments digitally.
- *Mail:* Send comments to the Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Fax:* Fax comments to the Docket Management Facility at 202–493–2251.
- *Hand Delivery:* Bring comments to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time or to the Docket Management Facility in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mark Forseth, ANM–113, (425) 227–2796, Federal Aviation Administration, 1601 Lind Avenue SW., Renton, WA 98057–3356, or Andrea Copeland, ARM–208, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; email *andrea.copeland@faa.gov;* (202) 267–8081.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on November 4, 2013.

Brenda Courtney,

Acting Director, Office of Rulemaking.

Petition for Exemption

Docket No.: FAA–2011–0883.
Petitioner: The Boeing Company.
Section of 14 CFR Affected:

§ 25.809(a).

Description of Relief Sought:

Petitioner seeks an amendment to Exemption No. 10376, which permits relief from the requirements that passenger emergency exits have a means to view outside conditions under all lighting situations for certain Boeing Model 747–8 series airplanes for upper-deck passenger exits, and the main-deck exits located at doors 1, 2, 4 and 5. The amendment would extend the relief to all Boeing 747–8 airplanes manufactured before production line 1499, regardless of the actual airplane delivery date.

[FR Doc. 2013–26715 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Barnwell County Airport, Barnwell, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47151(d), notice is being given that the Federal Aviation Administration (FAA) is considering a request from the County of Barnwell to waive the requirement that a 4.0 acre

parcel of surplus property, located at the Barnwell County Airport be used for aeronautical purposes. Currently, ownership of the property provides for protection of FAR Part 77 surfaces and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership.

DATES: Comments must be received on or before *December 9, 2013.*

ADDRESSES: Documents are available for review by prior appointment at the following location: Atlanta Airports District Office, Attn: Rob Rau, South Carolina Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, Telephone: (404) 305–7004.

Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Rob Rau, South Carolina Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Pickens Williams Jr., County Administrator, Barnwell County at the following address: County Administration Building, 57 Wall Street, Room 126, Barnwell, South Carolina 29812.

FOR FURTHER INFORMATION CONTACT: Rob Rau, South Carolina Planner, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7004. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the County of Barnwell to release 4.0 acres of surplus property at the Barnwell County Airport. This property was originally conveyed to the County of Barnwell on April 2, 1947 under the powers and authority contained in the provisions of the Surplus Property Act of 1944. Currently, the surplus property is being used for a senior citizens center.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Charleston International Airport.

Issued in Atlanta, Georgia, on October 30, 2013.

Gene Roth,

Acting Manager, Atlanta Airports District Office Southern Region.

[FR Doc. 2013–26723 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2010–005–N–5]

Railroad Safety Technology Program Grant Program

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of funds availability, solicitation of applications.

SUMMARY: The Railroad Safety Technology Grant Program was first authorized under the Rail Safety Improvement Act of 2008 (RSIA). The program authorizes DOT to provide grants to passenger and freight rail carriers, railroad suppliers, and State and local governments for projects that have a public benefit of improved railroad safety and efficiency. The program originally made available $50 million in Federal funds. Due to the original grantees completing their grants, $550,000 became available from the original $50 million. This grant program has a maximum 80-percent Federal and minimum 20-percent grantee cost share (cash or in-kind) match requirement.

DATES: FRA will accept grant applications until February 5, 2014. Reviews will be conducted immediately following the solicitation close date. Selection announcements will be made 90 days after the solicitation closes.

ADDRESSES: Applications for grants under this program must be submitted electronically to Grants.gov (*http://www.grants.gov*) and must follow the detailed procedures in the grant application package online. The Grants.gov Web site allows organizations to find and electronically apply for competitive grant opportunities from all Federal grantmaking agencies. Any entity wishing to submit an application pursuant to this notice should immediately initiate the process of registering with *Grants.Gov.* Only grants submitted electronically through *Grants.gov* will be considered.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Hartong, Scientific and Technical Advisor, FRA, at (202) 493–1332 or *Mark.Hartong@dot.gov,* or Mr. David Blackmore, Program Manager–Advanced Technologies, FRA, at (312) 835–3903 or *David.Blackmore@dot.gov,* to discuss the prospective idea, its potential responsiveness to the solicitation, and potential for FRA interest. Taking this action could forestall costly efforts by interested parties whose proposed work may not be of interest to FRA under this grant. Nontechnical inquiries should be directed to Ms. Jennifer Capps, Grants Officer, at (202) 493–0112, *Jennifer.Capps@dot.gov.*

SUPPLEMENTARY INFORMATION:

Authority and Funding: The Railroad Safety Technology Grant Program, authorized under Section 105 of the RSIA (Division A, Pub. L. 110–432) (49 U.S.C. 20158), allows for the appropriation of $50 million annually for fiscal years 2009 through 2013. The Transportation, Housing and Urban Development, and Related Agencies Appropriations Act of 2010 provided $50 million for this purpose. Due to the original grantees completing their grants, $550,000 became available from the original $50 million.

Eligible Organizations: Title 49 U.S.C. 20158 provides that ''Grants shall be made under this section to eligible passenger and freight railroad carriers, railroad suppliers, and State and local governments for projects . . . that have a public benefit of improved safety and network efficiency.'' To be eligible for assistance, entities must have either received approval of the Technology Implementation Plans (TIP) and Positive Train Control (PTC) Implementation Plans (PTCIP) required by 49 U.S.C. 20156(e)(2) and 20157, or demonstrate to the satisfaction of FRA that they are currently developing the required plans where applicable. Preference will be given in the following order:

1. Entities that have completed and received FRA approval of both their TIP and PTCIP.

2. Entities that have completed and received FRA approval of their PTCIP.

3. Entities that have submitted their PTCIP to FRA for approval.

4. Entities that have certified to FRA progress towards completion of their PTCIP and TIP.

5. All other entities.

Collaborative project submissions by freight and passenger carriers, suppliers, and State and local governments on eligible projects will be evaluated more favorably.

Eligible Projects: Grant awards will focus on using technologies or methods that are ready for deployment or that are of sufficient technical maturity that they can be made ready for deployment within 24 months of the award. FRA will give preference to collaborative projects by multiple railroads that have active railroad carrier and sponsoring public authority participation in the following order:

Projects that:

1. Facilitate sharing of PTC communications infrastructure and spectrum.

2. Support the resolution of PTC system interoperability issues.

3. Optimize PTC deployment on the core 2015 PTC territory.

4. All other projects.

Selection Criteria: Applications will be evaluated and ranked based on both technical and cost or price factors.

A. Technical Factors (75% overall weighting):

1. *Responsiveness to Solicitation Intent and Requirements (20%):* Degree to which proposal meets the conceptual intent and submission requirements of the solicitation.

2. *Significance for Implementing Interoperable PTC Deployment and Fit with FRA's Mission (30%):* Degree to which successful implementation of proposed idea would make interoperable PTC deployment more technically or economically practical—includes contribution to cost effectiveness, reliability, safety, availability, or maintainability, and fit within FRA primary mission ensuring the safety of the Nation's approximately 700 railroads.

3. *Technical Merit (20%):* Degree to which proposed ideas exhibit a sound scientific and engineering basis; how well the proposed ideas could be practically applied in, and would b]e compatible with, the railroad environment; and perceived likelihood of technical and practical success.

4. *Key Personnel and Supporting Organization (15%):* The technical qualifications and demonstrated experience of key personnel proposed to lead and perform the technical efforts, and qualifications of primary and supporting organizations to fully and successfully execute proposal plan within proposed timeframe and budget.

5. *Collaborative Effort (15%):* The degree to which proposed effort is supported by multiple entities and the applicability and availability of results to the larger railroad industry.

B. Cost/Price Factor (25% overall weighting):

1. Affordability and degree to which proposed effort appears to be a good value for the amount of funding requested. The reasonableness and realism of the proposed costs (60%).

2. The extent of proposed cost sharing or cost participation under the proposed effort (exclusive of the applicant's prior investment) (40%).

All evaluation factors, other than cost or price, when combined, are significantly more important than cost or price alone. Technical evaluation is appreciably more important than cost or price and, as such, greater consideration will be given to technical excellence rather than cost or price alone. An offer must be found acceptable under all applicable evaluation factors to be considered eligible for award. Awards will be made to responsible applicants whose offers provide the best value to the Government in terms of technical excellence, cost or price, and performance risk to include consistency and accord with the objectives of the solicitation and FRA's expressed areas of interest.

Requirements and Conditions for Grant Applications: Detailed application requirements and conditions may be found in the grant application guidance, FR–RSTG–13–001, or this solicitation on Grants.gov. Applications that do not meet the page-count requirements specified in the grant application guidance will not be considered.

Information Collection: The Office of Management and Budget (OMB) has approved the information collection associated with the Railroad Safety Technology Grant Program. The approval number for this collection of information is OMB No. 2130–0587.

Issued in Washington, DC, on November 4, 2013.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2013–26652 Filed 11–6–13; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 497 (Sub-No. 6X]

Minnesota Northern Railroad, Inc.—Abandonment Exemption—in Polk County, Minn.

On October 18, 2013, Minnesota Northern Railroad, Inc. (MNN) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon a 2.8-mile portion of its Ada Subdivision between milepost 66.8 north of Beltrami and milepost 64.0 at the end of the track at or near Beltrami, in Polk County, Minn. (the Line).[1] The Line traverses United States Postal Service Zip Code 56517.

MNN states that it appears that the Line contains federally granted right-of-way. Any documentation in MNN's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, In Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by February 5, 2014.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a $1,600 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 27, 2013. Each trail use request must be accompanied by a $250 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to Docket No. AB 497 (Sub-No. 6X) and must be sent to: (1) Surface Transportation Board, 395 E Street SW., Washington, DC 20423–0001; and (2) Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604 Replies to the petition are due on or before November 27, 2013.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs and Compliance at (202) 245–0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by OEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within

[1] Upon abandonment, MNN intends to sell this portion of the Line at and near Beltrami to West Central Ag Services, the sole shipper on the Line, for use as private industry track.

60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: October 31, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Jeffrey Herzig,

Clearance Clerk.

[FR Doc. 2013–26706 Filed 11–6–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Designation of Six Individuals and Four Entities Pursuant to Executive Order 13581, ''Blocking Property of Transnational Criminal Organizations''

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing the names of six individuals and four entities whose property and interests in property are blocked pursuant to Executive Order 13581 of July 24, 2011, ''Blocking Property of Transnational Criminal Organizations.''

DATES: The designations by the Director of OFAC, pursuant to Executive Order 13581, of the six individuals and four entities identified in this notice were effective on October 30, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance and Evaluation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, tel.: 202/622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treas.gov/ofac*). Certain general information pertaining to OFAC's sanctions programs is available via facsimile through a 24-hour fax-on-demand service, tel.: 202/622–0077.

Background

On July 24, 2011, the President issued Executive Order 13581, ''Blocking Property of Transnational Criminal Organizations'' (the ''Order''), pursuant to, *inter alia,* the International Emergency Economic Powers Act (50 U.S.C. 1701–06). The Order was effective at 12:01 a.m. eastern daylight time on July 25, 2011. In the Order, the President declared a national emergency to deal with the threat that significant transnational criminal organizations pose to the national security, foreign policy, and economy of the United States.

Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, that come within the United States, or that are or come within the possession or control of any United States person, of persons listed in the Annex to the Order and of persons determined by the Secretary of the Treasury, in consultation with the Attorney General and the Secretary of State, to satisfy certain criteria set forth in the Order.

On October 30, 2013, the Director of OFAC, in consultation with the Attorney General and the Secretary of State, designated, pursuant to one or more of the criteria set forth in subparagraphs (a)(ii)(A) through (a)(ii)(C) of Section 1 of the Order, six individuals and four entities whose property and interests in property are blocked pursuant to the Order.

The listings for these individuals and entities on OFAC's List of Specially Designated Nationals and Blocked Persons appear as follows:

Individuals

1. BADALYAN, Artur (a.k.a. BADALYAN, Arthur); DOB 09 Sep 1963 (individual) [TCO].
2. LEPSVERIDZE, Grigory Victorovich (a.k.a. LEPS, Grigoriy; a.k.a. LEPS, Grigory; a.k.a. ''GRISHA''), Phuket, Thailand; DOB 16 Jul 1962; POB Sochi, Russia (individual) [TCO].
3. LYALIN, Vadim Mikhaylovich, Oceana Residences, Unit Aegean/8/803, The Palm, Dubai, United Arab Emirates; 1102 Al Fattan Marine Tower, P.O. Box 1102, Dubai, United Arab Emirates; DOB 30 Sep 1973; Passport 4510935440 (Russia) (individual) [TCO].
4. SHLYKOV, Igor Leonidovich (a.k.a. ''SHLYK''); DOB 02 Nov 1967; Passport 530134972 (Russia) (individual) [TCO].
5. MOSKALENKO, Sergey Yevgeniyevich (a.k.a. MOSKALENKO, Sergei Yevgeniyevich), Haldenstrasse 26, Lucerne, Switzerland; DOB 08 Nov 1951; alt. DOB 08 Nov 1961; POB Surkhandaria Region, Uzbekistan; citizen Uzbekistan; Passport CA1702697 (Uzbekistan); alt. Passport CA1938292 (Uzbekistan) (individual) [TCO].
6. RYBALSKIY, Yakov (a.k.a. RABALSKY, Jacob; a.k.a. RIBALSKI, Yaakov; a.k.a. RIBALSKY, Yaakov; a.k.a. RIBALSKY, Yakov; a.k.a. RYBALSKY, Yaakov), Rashi 9/3, Sharon, Israel; DOB 08 Aug 1954; alt. DOB 08 Aug 1950; citizen Israel; Passport 7959978 (Israel); alt. Passport R5408081 (Israel); alt. Passport 9001681 (Israel) (individual) [TCO].

Entities

1. GURGEN HOUSE FZCO (a.k.a. GOURGEN HOUSE LTD; a.k.a. GURGEN HOUSE CO LTD; a.k.a. GURGEN HOUSE LLC; a.k.a. GURGEN HOUSE OOO; a.k.a. GURGEN HOUSE TOO), 130 A, Ulitsa Klara Tsetkina, Shymkent 160000, Kazakhstan; Ulitsa Angarskaya, 22.1, Moscow 125635, Russia; Ulitsa General Dorokhova, A 6 A, Moscow 121357, Russia; Ulitsa Letnikovskaya, 13 A, Office 1, Moscow 115114, Russia; Al Quds Street, Dubai Airport Free Zone, Dubai, United Arab Emirates; Office 210, Building 3E, Dubai Airport Free Zone, P.O. Box 293751, Dubai, United Arab Emirates; P.O. Box 777, Jumeirah, Dubai, United Arab Emirates; Ulitsa Jami, 5, Tashkent 100057, Uzbekistan; National ID No. 40788618 (Kazakhstan); alt. National ID No. 582100259386 (Kazakhstan); Tax ID No. 7743693291 (Russia); Company Number 86483143 (Russia); Public Registration Number 1087746669845 (Russia) [TCO].
2. FASTEN TOURISM LLC (a.k.a. FASTEN TOURISM DUBAI; a.k.a. FASTEN TOURS LLC), P.O. Box 19583, Dubai, United Arab Emirates; 171 Omar Ibn Al Khattab Road, Dubai, United Arab Emirates; National ID No. 223263 (United Arab Emirates) [TCO].
3. M S GROUP INVEST OOO, 9 Prospekt Universitetski, Moscow 119296, Russia; National ID No. 5107746076994 (Russia); alt. National ID No. 69686198 (Russia); alt. National ID No. 7736626537 (Russia) [TCO].
4. MERIDIAN JET MANAGEMENT GMBH (f.k.a. SUN HANDELS UND BETEILIGUNGS GMBH), Tegetthoffstrasse 7, Vienna 1010, Austria; National ID No. FN 204685 h (Austria) [TCO].

Dated: October 30, 2013.

Barbara Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2013–26614 Filed 11–6–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Additional Designations, Foreign Narcotics Kingpin Designation Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (''OFAC'') is publishing the names of 20 entities and one individual whose property and interests in property have been blocked pursuant to the Foreign Narcotics Kingpin Designation Act (''Kingpin Act'') (21 U.S.C. 1901–1908, 8 U.S.C. § 1182). Additionally, OFAC is publishing additions to the identifying information for five individuals previously designated pursuant to the Kingpin Act.

DATES: The designation by the Director of OFAC of the 20 entities and one individual identified in this notice pursuant to section 805(b) of the Kingpin Act is effective on October 31, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Sanctions Compliance & Evaluation, Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220, Tel: (202) 622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available on OFAC's Web site at *http://www.treasury.gov/ofac* or via facsimile through a 24-hour fax-on-demand service at (202) 622–0077.

Background

The Kingpin Act became law on December 3, 1999. The Kingpin Act establishes a program targeting the activities of significant foreign narcotics traffickers and their organizations on a worldwide basis. It provides a statutory framework for the imposition of sanctions against significant foreign narcotics traffickers and their organizations on a worldwide basis, with the objective of denying their businesses and agents access to the U.S. financial system and the benefits of trade and transactions involving U.S. companies and individuals.

The Kingpin Act blocks all property and interests in property, subject to U.S. jurisdiction, owned or controlled by significant foreign narcotics traffickers as identified by the President. In addition, the Secretary of the Treasury, in consultation with the Attorney General, the Director of the Central Intelligence Agency, the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security may designate and block the property and interests in property, subject to U.S. jurisdiction, of persons who are found to be: (1) Materially assisting in, or providing financial or technological support for or to, or providing goods or services in support of, the international narcotics trafficking activities of a person designated pursuant to the Kingpin Act; (2) owned, controlled, or directed by, or acting for or on behalf of, a person designated pursuant to the Kingpin Act; or (3) playing a significant role in international narcotics trafficking.

On October 31, 2013, the Director of OFAC designated the following 20 entities and one individual whose property and interests in property are blocked pursuant to section 805(b) of the Kingpin Act.

Entities

1. ARRENDADORA TURIN, S.A., Jalisco, Mexico; Folio Mercantil No. 75413–1 (Mexico) [SDNTK].
2. BARSAT, S.A. DE C.V. (a.k.a. BARZAT), Lope de Vega No. 232, Arcos Vallarta, Guadalajara, Jalisco 44130, Mexico; Folio Mercantil No. 23415–1 (Mexico) [SDNTK].
3. DESARROLLADORA SAN FRANCISCO DEL RINCON, S.A. DE C. V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 27273–1 (Mexico) [SDNTK].
4. DINERMAS, S. DE R.L. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 40037–1 (Mexico) [SDNTK].
5. ENERGETICOS VAGO, S.A. DE C.V., Cuauhtemoc No. 252, Valle de San Sebastian, Tlajomulco de Zuniga, Jalisco 45650, Mexico; Folio Mercantil No. 29924–1 (Mexico) [SDNTK].
6. ESTACION DE SERVICIO ATEMAJAC, S.A. DE C.V., Calle Mar Baltico #2240–408, Colonia Country Club, Guadalajara, Jalisco, Mexico; Folio Mercantil No. 58218–1 (Mexico) [SDNTK].
7. FORTANAS, S. DE R.L. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 39751–1 (Mexico) [SDNTK].
8. GRUPO BARSATERRA S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 25296–1 (Mexico) [SDNTK].
9. GRUPO ESPANOL ELCAR, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 23416–1 (Mexico) [SDNTK].
10. INMOBILIARIA PROMINENTE, S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 12354–1 (Mexico) [SDNTK].
11. MINERALES NUEVA ERA, S.A. DE C.V. (a.k.a. DIATOMAG; a.k.a. DIATOMKILL), Calle San Antonio No. 70, Col. Las Fuentes, Zapopan, Jalisco CP 45070, Mexico; Vidrio No. 5, Col. el Camino, Tlaquepaque, Jalisco 45239, Mexico; Volcan Paricutin 6277, Col. El Colli Urbano, Zapopan, Jalisco, Mexico; Folio Mercantil No. 33093–1 (Mexico) [SDNTK].
12. MINERALES NUEVA GENERACION, S.A. DE C.V., Calle San Antonio No. 70, Col. Las Fuentes, Zapopan, Jalisco CP 45070, Mexico; R.F.C. MNG100714FR0 (Mexico); Folio Mercantil No. 56284–1 (Mexico) [SDNTK].
13. NUEVA TERRA, S. DE R.L. DE C.V., Lope de Vega No. 232, Arcos Vallarta, Guadalajara, Jalisco 44130, Mexico; Folio Mercantil No. 39815–1 (Mexico) [SDNTK].
14. OPERADORA ENGO, S.C., Comercio 172, Mexicaltzingo, Guadalajara, Jalisco C.P. 44180, Mexico; Liceo 793, Alcalde Barranquitas, Guadalajara, Jalisco C.P. 44280, Mexico; R.F.C. OEN060529P75 (Mexico) [SDNTK].
15. PETRO LONDON, S. DE R.L. DE C.V., Lazaro Cardenas No. 4094, Don Bosco Vallarta, Zapopan, Jalisco 45049, Mexico; Folio Mercantil No. 28057–1 (Mexico) [SDNTK].
16. PETRO MAS, S. DE R.L. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 39818–1 (Mexico) [SDNTK].
17. PROMI FEL, S. DE R.L. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 39805–1 (Mexico) [SDNTK].
18. SERVICIO Y OPERADORA SANTA ANA, S.A. DE C.V., Camino a Santa Ana Tepetitlan No. 316, Colonia Agricola, Zapopan, Jalisco C.P. 45200, Mexico; R.F.C. SOS050203E31 (Mexico); Folio Mercantil No. 25524–1 (Mexico) [SDNTK].

19. TAXI AEREO NACIONAL DE CULIACAN, S.A., Culiacan, Sinaloa, Mexico; R.F.C. TAN–780822–001 (Mexico) [SDNTK].
20. VILLAS DEL COLLI S.A. DE C.V., Guadalajara, Jalisco, Mexico; Folio Mercantil No. 3875–1 (Mexico) [SDNTK].

Individual

1. SOTO RUIZ, Juan Carlos, Calle Las Flores 117, Colonia Victor Hugo, Zapopan, Jalisco, Mexico; DOB 27 May 1978; POB Guadalajara, Jalisco, Mexico; C.U.R.P. SORJ780527HJCTZN06 (Mexico) (individual) [SDNTK] (Linked To: ARRENDADORA TURIN, S.A.; Linked To: DESARROLLOS BIO GAS, S.A. DE C.V.; Linked To: ECA ENERGETICOS, S.A. DE C.V.; Linked To: ENERGETICOS VAGO, S.A. DE C.V.; Linked To: INMOBILIARIA PROMINENTE, S.A. DE C.V.; Linked To: OPERADORA ENGO, S.C.; Linked To: NUEVA TERRA, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: SERVICIO Y OPERADORA SANTA ANA, S.A. DE C.V.).

Additionally, OFAC is publishing additions to the identifying information for the following five individuals previously designated pursuant to the Kingpin Act.

1. CARO ELENES, Hector Rafael (a.k.a. CARO HELENES, Hector Rafael), Callejon del Serrano 4361, Guadalajara, Jalisco, Mexico; Loreto Mendez #4432, Guadalajara, Jalisco, Mexico; San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Calle Circuito Madrigal No. 4236 Interior 5, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Avenida Acueducto No. 5056, Colonia Jardines de la Patria, Zapopan, Jalisco, Mexico; DOB 18 Dec 1975; POB Culiacan, Sinaloa, Mexico; R.F.C. CAEH751218JT4 (Mexico); C.U.R.P. CAEH751218HSLRLC01 (Mexico) (individual) [SDNTK] (Linked To: BLUE POINT SALT, S.A. DE C.V.; Linked To: DESARROLLOS BIO GAS, S.A. DE C.V.; Linked To: ECA ENERGETICOS, S.A. DE C.V.; Linked To: ORGANIC SALT, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.).
2. CARO ELENES, Henoch Emilio, Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad, Zapopan, Jalisco C.P. 45110, Mexico; Paseo del Bosque No. 2428, Colonia Lomas Altas, Zapopan, Jalisco, Mexico; Av. Pablo Neruda No. 4111, Casa 1, Colonia Lomas del Valle, Zapopan, Jalisco C.P. 45129, Mexico; Paseo de los Parques No. 3995, Interior 7, Zapopan, Jalisco C.P. 45110, Mexico; Loreto Mendez #4432, Guadalajara, Jalisco, Mexico; DOB 15 Mar 1980; POB Culiacan, Sinaloa, Mexico; alt. POB Guadalajara, Jalisco, Mexico; R.F.C. CAEH800315V38 (Mexico); C.U.R.P. CAEH800315HSLRLN07 (Mexico) (individual) [SDNTK] (Linked To: BLUE POINT SALT, S.A. DE C.V.; Linked To: DESARROLLOS BIO GAS, S.A. DE C.V.; Linked To: ECA ENERGETICOS, S.A. DE C.V.; Linked To: EVCOMER, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.).
3. CARO ELENES, Mario Yibran (a.k.a. CARO, Gibran), Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad, Zapopan, Jalisco C.P. 45110, Mexico; Calle Loreto Mendez 4432, Sector Hidalgo, Guadalajara, Jalisco, Mexico; DOB 11 Jun 1983; POB Guadalajara, Jalisco, Mexico; R.F.C. CAEM830611SXD (Mexico); C.U.R.P. CAEM830611HJCRLR05 (Mexico) (individual) [SDNTK] (Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.).
4. CARO ELENES, Roxana Elizabeth, Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad, Zapopan, Jalisco C.P. 45110, Mexico; San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; DOB 17 Jan 1978; POB Culiacan, Sinaloa, Mexico; R.F.C. CAER780117MK8 (Mexico); C.U.R.P. CAER780117MSLRLX03 (Mexico) (individual) [SDNTK] (Linked To: HACIENDA LAS LIMAS, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.).
5. ELENES LERMA, Maria Elizabeth (a.k.a. ELENES DE CARO, Elizabeth), San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Carretera Isidro Mazatepec No. 500, Colonia San Agustin, Tlajomulco de Zuniga, Jalisco C.P. 45645, Mexico; DOB 12 Dec 1952; POB Badiraguato, Sinaloa, Mexico; alt. POB Culiacan, Sinaloa, Mexico; R.F.C. EELE521212B18 (Mexico); C.U.R.P. EELE521212MSLLRL01 (Mexico) (individual) [SDNTK] (Linked To: HACIENDA LAS LIMAS, S.A. DE C.V.).

The listings for these five individuals now appear as follows:

1. CARO ELENES, Hector Rafael (a.k.a. CARO HELENES, Hector Rafael), Callejon del Serrano 4361, Guadalajara, Jalisco, Mexico; Loreto Mendez #4432, Guadalajara, Jalisco, Mexico; San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Calle Circuito Madrigal No. 4236 Interior 5, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Avenida Acueducto No. 5056, Colonia Jardines de la Patria, Zapopan, Jalisco, Mexico; DOB 18 Dec 1975; POB Culiacan, Sinaloa, Mexico; R.F.C. CAEH751218JT4 (Mexico); C.U.R.P. CAEH751218HSLRLC01 (Mexico) (individual) [SDNTK] (Linked To: BLUE POINT SALT, S.A. DE C.V.; Linked To: DESARROLLOS BIO GAS, S.A. DE C.V.; Linked To: ECA ENERGETICOS, S.A. DE C.V.; Linked To: ORGANIC SALT, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: ARRENDADORA TURIN, S.A.; Linked To: BARSAT, S.A. DE C.V.; Linked To: DESARROLLADORA SAN FRANCISCO DEL RINCON, S.A. DE C. V.; Linked To: DINERMAS, S. DE R.L. DE C.V.; Linked To: ENERGETICOS VAGO, S.A. DE C.V.; Linked To: ESTACION DE SERVICIO ATEMAJAC, S.A. DE C.V.; Linked To: FORTANAS, S. DE R.L. DE C.V.; Linked To: GRUPO BARSATERRA S.A. DE C.V.; Linked To: GRUPO ESPANOL ELCAR, S.A. DE C.V.; Linked To: INMOBILIARIA PROMINENTE, S.A. DE C.V.; Linked To: NUEVA TERRA, S. DE R.L. DE C.V.; Linked To: OPERADORA ENGO, S.C.; Linked To: PETRO LONDON, S. DE R.L. DE C.V.; Linked To: PETRO MAS, S. DE R.L. DE C.V.; Linked To: PROMI FEL, S. DE R.L. DE C.V.; Linked To: SERVICIO Y OPERADORA SANTA ANA, S.A. DE C.V.; Linked To: TAXI AEREO NACIONAL DE CULIACAN, S.A.; Linked To: VILLAS DEL COLLI S.A. DE C.V.).
2. CARO ELENES, Henoch Emilio, Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad,

Zapopan, Jalisco C.P. 45110, Mexico; Paseo del Bosque No. 2428, Colonia Lomas Altas, Zapopan, Jalisco, Mexico; Av. Pablo Neruda No. 4111, Casa 1, Colonia Lomas del Valle, Zapopan, Jalisco C.P. 45129, Mexico; Paseo de los Parques No. 3995, Interior 7, Zapopan, Jalisco C.P. 45110, Mexico; Loreto Mendez #4432, Guadalajara, Jalisco, Mexico; DOB 15 Mar 1980; POB Culiacan, Sinaloa, Mexico; alt. POB Guadalajara, Jalisco, Mexico; R.F.C. CAEH800315V38 (Mexico); C.U.R.P. CAEH800315HSLRLN07 (Mexico) (individual) [SDNTK] (Linked To: BLUE POINT SALT, S.A. DE C.V.; Linked To: DESARROLLOS BIO GAS, S.A. DE C.V.; Linked To: ECA ENERGETICOS, S.A. DE C.V.; Linked To: EVCOMER, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.; Linked To: ARRENDADORA TURIN, S.A.; Linked To: BARSAT, S.A. DE C.V.; Linked To: DESARROLLADORA SAN FRANCISCO DEL RINCON, S.A. DE C. V.; Linked To: DINERMAS, S. DE R.L. DE C.V.; Linked To: ENERGETICOS VAGO, S.A. DE C.V.; Linked To: FORTANAS, S. DE R.L. DE C.V.; Linked To: GRUPO BARSATERRA S.A. DE C.V.; Linked To: GRUPO ESPANOL ELCAR, S.A. DE C.V.; Linked To: MINERALES NUEVA ERA, S.A. DE C.V.; Linked To: MINERALES NUEVA GENERACION, S.A. DE C.V.; Linked To: NUEVA TERRA, S. DE R.L. DE C.V.; Linked To: OPERADORA ENGO, S.C.; Linked To: PETRO LONDON, S. DE R.L. DE C.V.; Linked To: PETRO MAS, S. DE R.L. DE C.V.; Linked To: PROMI FEL, S. DE R.L. DE C.V.; Linked To: TAXI AEREO NACIONAL DE CULIACAN, S.A.; Linked To: VILLAS DEL COLLI S.A. DE C.V.).

3. CARO ELENES, Mario Yibran (a.k.a. CARO, Gibran), Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad, Zapopan, Jalisco C.P. 45110, Mexico; Calle Loreto Mendez 4432, Sector Hidalgo, Guadalajara, Jalisco, Mexico; DOB 11 Jun 1983; POB Guadalajara, Jalisco, Mexico; R.F.C. CAEM830611SXD (Mexico); C.U.R.P. CAEM830611HJCRLR05 (Mexico) (individual) [SDNTK] (Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: PRONTO SHOES, S.A. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.; Linked To: BARSAT, S.A. DE C.V.; Linked To: DINERMAS, S. DE R.L. DE C.V.; Linked To: NUEVA TERRA, S. DE R.L. DE C.V.; Linked To: PETRO MAS, S. DE R.L. DE C.V.; Linked To: PROMI FEL, S. DE R.L. DE C.V.; Linked To: TAXI AEREO NACIONAL DE CULIACAN, S.A.).

4. CARO ELENES, Roxana Elizabeth, Callejon del Sereno No. 4361, Col. Fracc. Jardines Universidad, Zapopan, Jalisco C.P. 45110, Mexico; San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; DOB 17 Jan 1978; POB Culiacan, Sinaloa, Mexico; R.F.C. CAER780117MK8 (Mexico); C.U.R.P. CAER780117MSLRLX03 (Mexico) (individual) [SDNTK] (Linked To: HACIENDA LAS LIMAS, S.A. DE C.V.; Linked To: PETRO BIO, S. DE R.L. DE C.V.; Linked To: REFORESTACIONES CARELES, S. DE P.R. DE R.L.; Linked To: BARSAT, S.A. DE C.V.; Linked To: TAXI AEREO NACIONAL DE CULIACAN, S.A.).

5. ELENES LERMA, Maria Elizabeth (a.k.a. ELENES DE CARO, Elizabeth), San Gonzalo No. 1715, Colonia Santa Isabel, Zapopan, Jalisco C.P. 45110, Mexico; Carretera Isidro Mazatepec No. 500, Colonia San Agustin, Tlajomulco de Zuniga, Jalisco C.P. 45645, Mexico; DOB 12 Dec 1952; POB Badiraguato, Sinaloa, Mexico; alt. POB Culiacan, Sinaloa, Mexico; R.F.C. EELE521212B18 (Mexico); C.U.R.P. EELE521212MSLLRL01 (Mexico) (individual) [SDNTK] (Linked To: HACIENDA LAS LIMAS, S.A. DE C.V.; Linked To: TAXI AEREO NACIONAL DE CULIACAN, S.A.; Linked To: VILLAS DEL COLLI S.A. DE C.V.).

Dated: October 31, 2013.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2013–26608 Filed 11–6–13; 8:45 am]

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DEPARTMENT OF VETERANS AFFAIRS

Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board; Notice of Meetings

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the panels of the Joint Biomedical Laboratory Research and Development and Clinical Science Research and Development Services Scientific Merit Review Board will meet from 8:00 a.m. to 5:00 p.m. on the dates indicated below:

Panel	Date(s)	Location
Neurobiology-C	November 18, 2013	Sheraton Crystal City Hotel.
Surgery	November 21, 2013	Sheraton Crystal City Hotel.
Hematology	November 22, 2013	*VA Central Office.
Infectious Diseases-A	November 22, 2013	*VA Central Office.
Neurobiology-A	November 22, 2013	Sheraton Crystal City Hotel.
Cellular and Molecular Medicine	November 25, 2013	*VA Central Office.
Neurobiology-F	November 26, 2013	*VA Central Office (12:00 p.m. ET).
Immunology-A	December 3, 2013	Hotel Palomar Washington, DC.
Infectious Diseases-B	December 3, 2013	Hotel Palomar Washington, DC.
Nephrology	December 3, 2013	Sheraton Crystal City Hotel.
Endocrinology-B	December 4, 2013	The Ritz-Carlton, Pentagon City.
Epidemiology	December 4, 2013	*VA Central Office.
Mental Health and Behavioral Sciences-A/B	December 4, 2013	The Ritz-Carlton, Pentagon City.
Neurobiology-B	December 5, 2013	Sheraton Crystal City Hotel.
Oncology-A	December 5–6, 2013	Sheraton Crystal City Hotel.
Clinical Application of Genetics	December 5, 2013	*VA Central Office.
Neurobiology-E	December 6, 2013	Hotel Palomar Washington, DC.
Pulmonary Medicine	December 6, 2013	Sheraton Crystal City Hotel.
Aging and Clinical Geriatrics	December 9, 2013	*VA Central Office.

Panel	Date(s)	Location
Endocrinology-A	December 9, 2013	The Ritz-Carlton, Pentagon City.
Cardiovascular Studies	December 9, 2013	Sheraton Crystal City Hotel.
Clinical Trials-A	December 11, 2013	Hotel Palomar Washington, DC.
Clinical Trials-B	December 12, 2013	*VA Central Office.
Gastroenterology	December 12, 2013	The Ritz-Carlton, Pentagon City.
Neurobiology-D	December 12, 2013	Hotel Palomar Washington, DC.
Eligibility	January 17, 2014	The Ritz-Carlton, Pentagon City.

* Teleconference.

The addresses of the meeting sites are:

Hotel Palomar Washington DC, 2121 P Street, NW., Washington, DC

Sheraton Crystal City Hotel, 1800 Jefferson Davis Highway, Arlington, VA

The Ritz-Carlton, Pentagon City, 1250 South Hayes Street, Arlington, VA

VA Central Office, 131 M Street, NE., Washington, DC

The purpose of the Board is to provide advice on the scientific quality, budget, safety, and mission relevance of investigator-initiated research proposals submitted for VA merit review consideration. Proposals submitted for review by the Board involve a wide range of medical specialties within the general areas of biomedical, behavioral, and clinical science research.

The panel meetings will be open to the public for approximately one-half hour at the start of each meeting to discuss the general status of the program. The remaining portion of each panel meeting will be closed to the public for the review, discussion, and evaluation of initial and renewal research proposals. Because some of the meetings are being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the clearance process. Therefore, you should allow an additional 15 minutes before the meeting begins.

The closed portion of each meeting involves discussion, examination, and reference to staff and consultant critiques of research proposals. During this portion of each meeting, discussions will deal with scientific merit of each proposal and qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which could significantly frustrate implementation of proposed agency action regarding such research proposals. As provided by subsection 10(d) of Public Law 92–463, as amended, closing portions of these panel meetings is in accordance with title 5 U.S.C., 552b(c)(6) and (9)(B).

Those who plan to attend the general session or would like to obtain a copy of the minutes from the panel meetings and rosters of the members of the panels should contact Alex Chiu, Ph.D., Manager, Merit Review Program (10P9B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, at (202) 443–5672 or by email at *alex.chiu@va.gov.*

By Direction of the Secretary.

Dated: November 1, 2013.

William F. Russo,

Deputy Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

[FR Doc. 2013–26637 Filed 11–6–13; 8:45 am]

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CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List November 5, 2013

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